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CARTER PRESIDENTIAL LIBRARY PROPOSAL

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COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

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CARTER PRESIDENTIAL LIBRARY PROPOSAL

WEDNESDAY, NOVEMBER 9, 1983

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC

The Committee met at 10 a.m., in room 342, Dirksen Senate Office Building, Hon. William V. Roth, Jr., chairman of the Committee presiding:

Present: Senators Roth and Chiles.

OPENING STATEMENT OF SENATOR ROTH

Chairman ROTH. The committee will please be in order.

Today we are meeting to consider the Carter Presidential Library proposal. This proposal was formally submitted to the Congress in early August and the Congress is given 60 continuous days of session to review the plan.

GSA has negotiated the plan for the library and Dr. Robert Warner, the Archivist of the United States, is here today to represent the General Services Administration in our discussions of the library proposal.

The General Accounting Office has done a report on this proposal and Mr. William J. Anderson, the director of the general government division is also here to testify today.

Finally, representatives of Caution, Inc., and the Olmstead Parks Society have come from Atlanta to share with the committee their views on the Carter Presidential Library proposal.

Let me say at the outset that I am an enthusiastic supporter of Presidential libraries. I think they are important because they bring together the papers of each administration. And, they are also important for they provide scholars and students the opportunity to study each administration and its accomplishments.

And finally, I think Presidential libraries are important because they give the public an opportunity to look at the achievements of each administration

I must say that I personally strongly favor having these libraries in the home State of the President. It seems to me that it is far preferable to having everything in Washington.

So I want the record to show very clearly that I am delighted to begin these hearings today for the Carter Library. This committee does have an obligation to explore the details of the Carter Library proposal so that the Congress can arrive at a well-informed decision as to whether the facility that Carter Library, Inc., has offered to donate to the United States as a gift will prove to be both efficient to operate and a useful resource for the American citizens. I

am fully confident that this goal can be achieved with the Carter Library.

I want to welcome the witnesses and thank them for appearing before the committee today. I particularly want to express my appreciation to Senator Chiles, who has agreed to chair these hearings and at this time I will call upon Senator Chiles.

OPENING STATEMENT OF SENATOR CHILES

Senator CHILES. Thank you, Mr. Chairman.

I certainly want to commend you for scheduling this morning's hearings. I strongly believe Congress should hold formal oversight hearings on Presidential library proposals.

When I requested the Committee on Governmental Affairs to hold this hearing, Senator Roth, as the chairman, very quickly agreed to its purpose and its importance.

This is the first time that Congress has chosen to hold a hearing on a specific library proposal. So we are going to be breaking some new ground. My hope is that this precedent is going to be continued for all future proposals.

I also want to publicly thank you, Senator Roth, for your support of S. 563, a bill which I introduced earlier to this Congress which will establish reasonable controls on all the benefits former Presidents receive from pensions, office, and staff allowances, Secret Service protection, and libraries.

The total package now adds up to over $27 million a year. That is more than it takes to run the Reagan White House.

This is the third Congress in which we have worked on this legislation.

Mr. Chairman, due to your strong interest, I am glad to announce that the committee plans to mark up S. 563 and hopefully report it to the Senate floor this session. There are some 20 cosponsors and I think the prospects for passage before next year's election are brighter than they have ever been.

I would like to make clear what I think the purpose of today's hearings are.

First, oversight hearings tend to operate as a restraint on the amount of taxpayer dollars going to a project. Let there be no doubt that the American public shares my concern that the Federal spending on our former Presidents has gotten out of hand. What began in 1955 as a library program costing $63,745 is estimated to top $28 million in 1984 when other elements like office staff, pensions, and Secret Service protection are added.

The concern is over what started out as efforts to ensure the dignity and preserve the traditions of the Office of the Presidency. Have those efforts resulted in an environment where taxpayers finance an era of "imperial former Presidents?" I think so.

The Presidential Libraries Program has been part of that unrestrained growth; it is a part of the present-day concern. What started out with the Presidential Libraries Act of 1955 has now become a $14 million program and given the turnover in the modern Presidency, I flinch at what the costs might be by the end of this century.

The Presidential Library Program has important contributions to make to our American heritage. No quarrel exists on this point. But the expectations of the framers of the Library Act clearly have been exceeded. They envisioned only 12 to 15 libraries costing $150,000 each after 100 years. They said so in some of their earlier correspondence and testimony. After 28 years, we are considering the eighth library today with an average cost of about $1.5 million each. So even if you adjust for inflation, you can see the trend.

Today's hearings provide us with a case example of how the Libraries Act works. It gives us an occasion to consider whether we are living within the spirit and intent of the Libraries Act. This committee is considering amendments to the act and today's insights should prove helpful.

Another of our purposes relates to the civil servants at the General Services Administration, particularly the Archivists, who must work and negotiate with former Presidents—and sometimes sitting Presidents—on their library proposals.

I could readily see how it might not be easy for a government employee to negotiate terms with a President or former President. There are instances in the past where Presidents have used their leverage.

Today's precedent should establish for Presidents and civil servants alike that there is going to be a day in the sunshine, a day when questions will be asked. It will be a known factor that the whole load will not be on an individual or agency to achieve a reasonable library plan.

I hope and think that this will strengthen the hands of those interested in fiscal restraint.

And, finally, let me say that preparing for this hearing has been an educational experience to us, and I suspect to the General Services Administration, the General Accounting Office, and the citizen groups who will testify.

The Presidential Libraries Act authorizes the Administrator of GSA, whenever he considers it to be in the "public interest," to "accept" or "make agreements" for land, buildings, and equipment offered as a "gift" to the United States for the purposes of creating a Presidential archival depository.

The Administrator may not take title or make agreements until he has submitted a report in writing to Congress and 60 days of continuous session have passed.

Today is the 50th day of that period of the Carter proposal. The act is silent on what Congress is to do or how to cause a proposal to be modified or rejected. If Congress does not act, then the Administrator is authorized to proceed.

The act is also broad in its grant of discretionary authority to the Administrator and in its requirements as to what should be reported to Congress and when.

A major purpose of today's hearings will be to offer the General Services Administration an opportunity to explain what it views its responsibility to be under the act. What is GSA's responsibility to explain to Congress the contingencies, if any, of a proposal? What is GSA's responsibility to Congress if the terms of a proposal change? At what point in the development of the gift proposal should GSA report to Congress?

These are the kinds of questions that we will address this morning and with today's hearings, I hope we are marking the end of the days of Congress routinely rubber stamping Presidential Library proposals without question.

Our first witness today will be Mr. William J. Anderson from the General Accounting Office.

Mr. Anderson, we are delighted to have you appear before the committee today and we will be delighted to get your testimony. Mr. Anderson is the Director of the General Government Division of the General Accounting Office.

TESTIMONY OF WILLIAM J. ANDERSON, DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY RONALD L. KING, AUDITOR, GENERAL GOVERNMENT DIVISION, AND JOSEPH M. KELLY, GROUP DIRECTOR, GENERAL GOVERNMENT DIVISION

Mr. ANDERSON. Thank you, Senator Chiles.

It is a pleasure to be here. Let me start off by introducing the gentlemen at the table with me.

To my left is Joe Kelly, Group Director in my division; to my right is Ron King, who was the Audit Manager in charge of preparing the testimony and developing the information that I am going to tell you about today.

My testimony will run around 15 minutes of speaking time, sir. If that will not suffice, I can ad hoc it and keep it real short.

Senator CHILES. I think if you might cut that down a little bit for us, it would give us a little more time for questions. Your entire statement will be placed in the record.

Mr. ANDERSON. We do bring out in the full statement that this program did start with the Presidential Libraries Act of 1955 and you made the point very effectively that what has happened is certainly different from what the Congress apparently contemplated at the time that law was passed.

You brought out the fact that we were anticipating annual costs of about $150,000 offset by some revenues, net costs of $100,000 per library. We are now up to $1.5 million, average of $1.5 million with some over the $2 million mark. So we are certainly talking about a lot of money.

I know the original estimates, made in 1955, were that the total program by the year 2,000, would total about $1.5 million, based on that $100,000 net for 15 libraries.

In developing the proposal that has been forwarded to you for consideration, the General Services Administration and the National Archives and Records Service developed some guidance that was based on experience gained in building the Ford Library which essentially drove the design and the size of the Carter Library.

This is a new and good development from our standpoint. The guidance was very specific with respect to the amount of space to be devoted to archival purposes, museum purposes, et cetera. It was not specific in terms of engineering and construction standards which is something I think that your bill would expect beyond guidance of this sort.

Again, it is a fact that the space provided added up to a 70,000 square foot structure which is the third smallest. There would be two libraries smaller and four or five libraries larger than the Carter Library based on gross square footage.

Senator CHILES. So we could say the Carter Library is coming certainly in the middle in regard to the space?

Mr. ANDERSON. Yes, sir. Compared to others, it is fairly modest. It is certainly still in excess of the 40,000 square feet that you proposed in S. 1325 last year and in S. 563 this year.

I know I had an opportunity to testify last year on S. 1325 and the point I made at that time was obviously we are going to be driven by the archival needs. The museum thing is what we have to watch for getting out of hand. I gather you felt the same way when you spoke of mausoleums.

I said maybe 40,000 square feet may be too small in considering how some of the archival holdings may come down the road. But again, your bill provides a safety valve if in fact what is proposed exceeds that.

There is provision for concurrent resolution that will allow upon proper justification the construction of a larger facility. In any event, it is a fact that the 70,000 square feet for this facility is in line and also with respect to the amount of space devoted to a museum purpose, once again this would be among the smallest.

There would be three smaller and four larger in terms of the amount of net square footage devoted to museum purposes. So on the square footage basis, it is in the middle with respect to the space devoted to that purpose.

Cost to the taxpayers? Well, the estimates, as you are aware, add up to about $1.5 million a year. That is probably about as good a number as you can come up with on the basis of the information currently available. Probably the most solid information in there is the personnel costs that are associated with staffing, manning, guarding the facility. Those are pretty firm. Probably the softest costs in there are the operating and maintenance costs which were judgmentally derived on the basis of what it costs per square foot to heat and cool other Presidential libraries around the country, and GSA extrapolated to a $9 a square foot figure for the Carter Presidential library which, as I said, is probably about as good a number as you can get, but it certainly will not be as good a number as could be obtained when the detailed design is completed.

That $1.5 million, again, would put it more or less in the middle range of the cost of the libraries generally, Hoover the smallest under $900,000, some over $2 million, as I mentioned earlier.

I know you are well aware of the controversy concerning the site that has been selected for the Library and the proposed construction of a Presidential highway or what is the precise name, Presidential Parkway in connection with the facility.

One of the questions that we were asked to research in behalf of the committee was whether in fact there had been some kind of a binding written agreement between the State of Georgia and the Carter Presidential Library, Inc., that would provide an iron-clad guarantee that the space is going to be there and in fact there is not.

Honorable men have given their word on these things but that is really what we are depending on. Is there a possibility that that library may not be constructed on that site? I guess there is a possibility like that.

You are aware, Senator Chiles, that there are some citizens groups who will be testifying, by the way, who have complained about the selection of the site. The construction of a couple of previous interstates was actually overcome by virtue of protests as part of the environmental impact statement consideration process. So it is possible that somewhere down the road, we don't have an approved environmental impact statement that has cleared all the hurdles that it has to overcome at this point in time that something could happen.

The Carter Presidential Library people do say that even absent the Presidential Parkway, there is still a possibility that library would be constructed at the same site. On the other hand, they also hold out that it may not. So I won't belabor that point any further.

Let me kind of stop off there and perhaps we can just be responsive to your questions, Senator, and give you the information you are looking for.

Senator CHILES. I thank you and I thank you for the work that the General Accounting Office has done on this.

Given your examination of the guidance provided by GSA and the Archives in the development of the Carter Library design in this proposal before us, do you feel that that guidance was adequate? You have said that they did give some more guidance and they used the Ford Library. But I am asking you is that guidance adequate?

Mr. ANDERSON. The guidance was not sufficiently complete. I guess I am saying, I hesitate to say, inadequate. But it certainly could have been better in terms of establishing standards and guidance that would have driven the very construction, hence influence the amount of the cost commitment of the Federal Government, is kind of a function of how that thing is built. And those standards really don't drive that.

Senator CHILES. You indicated the process for approval is not controlled by formalized written GSA procedures. Do you think that we would be better off if we had formalized written GSA procedures that would be out there that any President could see as he is going into office, coming out of office?

Mr. ANDERSON. Yes, sir. I do. Right now 70,000 square feet sits there. Too much, too little? $1½ million, too much, too little? I think there is probably a need for Congress to provide a little more specific guidance on this.

Senator CHILES. I think I have to agree with you. I don't want to put all the burden on GSA in this regard because the act itself is pretty vague. The act talks about GSA may provide for fees for example, at the museum and we find that all of the libraries, or all of the museums, have provided for those charges except the LBJ Library. We know there that a former President who had a great deal of authority at the time said he wasn't going to have any charges at his library—there just wasn't going to be any. GSA buckled into that pressure on that occasion. So if there aren't some formal written requirements I think GSA is more vulnerable.

As you know, S. 563 has a requirement that the GSA Administrator with the Archivist and the public building service will promulgate architectural and design standards. Do you think that would be beneficial?

Mr. ANDERSON. I certainly do, sir. I would only have one suggestion with respect to S. 563. That would be that right now your control is the 40,000, the proposed control is the 40,000 gross square feet with provision for some change based on sufficient justification by NARS and GSA.

I think what is really of concern as I said earlier is the space devoted to museum purposes and I don't know whether it should be an additional provision. But I think if I was concerned about these things getting out of hand I would want to try to control that aspect of it.

Senator CHILES. Tighten up the amount which could be used for the museum?

Mr. ANDERSON. That is correct.

Senator CHILES. It is a good point.

Review for me again if you would how the estimates for the operating and maintenance costs were developed. If I understand you correctly they are based on the average cost of the other seven libraries as opposed to something deduced from the design of the Carter Library itself.

Mr. ANDERSON. That is absolutely correct, sir. Absent any detailed information that would enable one to really calculate what the heating and cooling loads are going to be precisely for that structure to be constructed in Atlanta, they instead looked to the experience at the other Presidential libraries. Now, indications are that the Carter Library will be very energy efficient. I understand President Carter has tried to make that happen. But in any event, the estimate itself is certainly not a precise estimate.

Senator CHILES. The estimates would be much more reliable when the design is completed is what I think you are stating.

Mr. ANDERSON. Yes.

Senator CHILES. You indicated that there will be a common heating and cooling center between the Carter Center and Library for economy reasons. That cost-sharing arrangement has yet to be developed. Will there be similar arrangements for the grounds and security?

Mr. ANDERSON. I am not certain, sir, but we make the point that we think there should be.

Senator CHILES. What is the economy rationale for those items?

Mr. ANDERSON. I would say to the extent that you might have one group of people caring for the outer facilities or one group of people under one manager charged with security, it would just seem to make sense that perhaps one or the other, perhaps the library under some reimbursable basis or GSA could be responsible, there would be economies by having one group responsible for both adjoining facilities.

Senator CHILES. Without some written cost-sharing agreement for heating and cooling, security and the grounds, what assurance do we have that the taxpayer will not end up paying for a piece of the Carter Center or a piece of the cost of the Carter Center or the grounds and security?

Mr. ANDERSON. Your point is well taken, sir. You are going to have to rely on the fact that NARS and GSA will assure that only an appropriate part of the costs will be borne by the Federal Government.

Senator CHILES. Is there anything in the proposal in front of us that gives us that assurance?

Mr. ANDERSON. It does not, sir. No.

Senator CHILES. What did you find out about how the need for space was determined? Why the 70,000 square feet rather than 74,000 or 40,000; just looking at the Ford Library?

Mr. ANDERSON. They also sought guidance from managers, administrators of the other Presidential libraries and drew on their own expertise. The guidelines appear reasonable in terms of how space will be allocated to the various uses but again it did end up third smallest. That is a good sign, I guess was our reaction to it, Senator. In fact, they did a better job here than had they done nothing. Had they not taken the trouble to develop this set of guidelines, Lord knows what would have come forward.

Senator CHILES. Were you able to ascertain who will pay for developing the parking lot and roadside park characterized as tract B in the proposal?

Mr. ANDERSON. No, sir. The proposal seems to imply or the Carter Presidential Library in fact has made a statement that the Federal Government won't bear those costs but we have been unable to identify any responsibility for picking them up at this point in time. It is an open issue.

Senator CHILES. Go over that again for me.

Mr. ANDERSON. Yes. What I am saying is that in their proposals to the General Services Administration, the Carter Presidential Library, Inc., has stated that that parking lot and those other facilities will be provided at no cost to the Federal Government. However, there has been no explicit assumption by anybody of responsibility for those costs.

Ron, can you contribute to this?

Mr. KING. Yes. The letter that President Carter submitted clearly indicates that the Georgia Department of Transportation would construct the roadside park facilities. However, when we spoke with the Georgia Department of Transportation in Atlanta, and the Federal Highway Administration people in Atlanta, they both categorically told us that there would be no Federal funds used for the construction of that roadside park, or the parking areas. They could not tell us who, if anybody, in the Federal Government would fund it or anybody in the Georgia State Government that would provide the funds for the construction.

Senator CHILES. What about the maintenance and upkeep of the park and parking lot? Who will take care of that?

Mr. KING. GSA as far as we know is to take care of the maintenance once the parking lot is constructed.

Mr. ANDERSON. There was a proposal that originally provided for a 50-year period that the GSA would cover those costs. That was subsequently amended to make it in perpetuity or at least as long as the library is operating. GSA would pick up those costs.

Senator CHILES. Is the roadside park and parking lot only for use by the library or are they for use by the Carter Center as well?

Mr. KING. One portion of the main parking lot area will be the space which the Center people will primarily use. As far as I know, there will be no signs designating exactly where people are to park. But since the right side of the parking lot will be much closer to the entrance to the Center that would be the parking lot area that those people would use.

Senator CHILES. Is there to be a cost sharing on the parking lot and roadside park as there is going to be as proposed to be on the heating and cooling, security?

Mr. KING. There has been no formal proposal at this time. It is an area that could be under consideration.

Senator CHILES. Mr. Anderson, how would you read the act in regard to the Federal Government's responsibility to maintain in perpetuity the maintenance and upkeep of the parking lot and/or roadside park if a portion of that is to be used for purposes other than library?

Mr. ANDERSON. I am not a lawyer. Off the top of my head it would not seem proper. I would like to get a lawyer's ruling on it but it just doesn't seem that those would be the purposes.

Senator CHILES. For our record I think we would like to have that question answered by GAO if you would.

Mr. ANDERSON. Yes.

[The information referred to follows:]

44 U.S.C. § 2108 authorizes the Government to operate and maintain a parking lot or portion thereof and/or roadside park which is to be used in connection with Presidential archival depository purposes. This is made clear by the express language of the law which, in addition to authorizing the Administrator of General Services to accept gifts of land, buildings and equipment on behalf of the United States for the purpose of "creating an Presidential archival depository," also authorizes the Administrator to:

"* * * *make agreement upon terms and conditions he considers proper,* with a State, political subdivision, university, institution of higher learning, institute, or foundation *to use as a Presidential archival depository land,* building, and equipment *of the State* subdivision, university, or other organization, *to be made without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archival system."* Emphasis supplied. 44 U.S.C. Sec. 2108(a).

Thus, the Administrator is authorized either to accept outright gifts of land for use in connection with a depository or, if he considers it proper, to enter into agreements to operate, protect and maintain at Government expense land made available for depository use even though the Government has not taken title to the land. Certainly, this would authorize the Administrator to accept land for use as parking or to agree to operate parking facilities without transfer of title to the Government if the Administrator deems it necessary for the operation of a Presidential archival depository. However, it would not authorize him to expend annual appropriations or gifts made available for operation and maintenance of Presidental Libraries for operation of facilities which clearly are not connected with a Presidental Library. 31 U.S.C. § 1301(a).

At the proposed Carter Library, the Library would be donated in fee simple to the Government. Parking for employees and visitors would be provided on land adjacent to the Library. While title to the land on which the parking lot is located would remain in the State of Georgia, the parking lot would be operated and maintained by GSA. Also located adjacent to the Library would be the proposed Carter Center for the study of issues affecting the public interest. The Center and an additional parking lot contiguous to the Library's lot will be located on land owned by the Department of Transportation of the State of Georgia. The Center and the additional parking facility would be maintained by the Carter Library, Inc., a non-federal entity, in conjunction with Emory University. GSA has indicated it is possible that the portion of the parking lot maintained by GSA adjacent to the Library might be used occasionally by visitors to the Center. Thus, GSA funds might be used to indirectly fund a non-Presidential Library purpose.

In our opinion, it would not be an abuse of the Administrator's discretion for him to accept the responsibility of maintaining the parking lot adjacent to the Library even if some spaces occasionally may not be used for Library purposes. We would argue, instead, that if the Administrator determines that the lot is necessary for the operation of the Presidential Library and the Library would be the primary beneficiary, then use of GSA's funds would be proper.

We note in this connection that the law does not establish criteria for the Administrator to use when determining the number of spaces necessary to serve a Presidential Library. Certainly, spaces for employees and a certain number of visitors would be proper. Whether he should accept responsibility for maintaining spaces sufficient only to cover estimated average number of daily visitors or the estimated maximum number of daily visitors during the busiest time of the year is something that is within his discretion. Certainly, the Administrator should consider the Library's projected popularity and the availability of alternate transportation to the Library. Furthermore, he should consider the effects of not accepting all the land offered for depository use now and its possible future availability for its purpose if needed.

Based upon the foregoing, it is clear that the Administrator could agree to accept responsibility for maintenance of parking in excess of the Library's day-to-day needs and that others might take advantage of this situation by occasionally using the parking spaces while not attending the Library. Consequently, in order to minimize the possibility that indirect subsidies will be provided to the Center, the portions of the parking lot to be maintained by GSA could be posted as restricted to users of the Library. Alternatively, GSA could explore sharing the costs for maintenance of all of the parking at the site on a formula based on pro rata use by persons attending the Library or the Center. Finally, GSA could charge persons using the parking lot in order to defray the expenses of operating and maintaining it, thus eliminating the need to identify whether users are attending the Center or the Library.

Senator CHILES. What innovative cost savings features did you find in the development of the Carter proposal?

Mr. ANDERSON. Let me turn that to my building engineer here.

Mr. KING. We found that President Carter was very much involved in the design aspects of the library, probably more so than any other past President. Because of his engineering background he was very concerned about energy conservation and efficiency in operation. The building will have a number of specific energy conservation features. For example, the orientation of the building itself is such that it will not have the problem of sunlight coming directly through the glass wall, eliminating the problems of deterioration of the materials on the inside of the building. The building will have passive solar features such as overhanging eves to cut down on cooling loads. The architects have taken advantage of the hillside to beam up one side of the building.

They have also taken advantage of other internal features. For example, they have concentrated a great deal on getting efficiency of operation by making sure that the working areas are close to the stacks since indications are that the average archivist will make about 50 trips a day between the stacks and his or her work space. So they have tried to get those spaces as close together as possible to cut down on the waste of time and operation.

They have tried to use spaces for more than one purpose wherever possible to cut down on the space requirements. For example, the books and the museum storage space over a period of time will change from primarily museum storage to primarily book storage by moving the walls between the two areas. They are utilizing that one space for multiple purposes.

They have done a number of other things to help control costs in the operations. Instead of buying a lot of the books that are currently available in the Atlanta area at the other libraries, they are

going to join a sharing service so that when they have a request for a particular book that one of the other libraries have, they can call upon that other library, and cut down both storage space and the cost of acquiring those books.

They are going to join into an agreement with the Center for periodicals so that neither has to subscribe to all of the magazines which they will need in their operation.

Mr. ANDERSON. Ron can undoubtedly go on.

Senator CHILES. It sounds like that there are innovative proposals there. I think that is to the credit of President Carter and what they have done. It also sort of says what some of the things GSA could look at if we had written requirements to make sure that every library is taking advantage of this and not just one in which you happen to have a former President who is an engineer and had a bent for trying to find these kind of ways.

What is your understanding, Mr. Anderson, as to what triggered GSA to submit the Carter proposal to Congress when it did?

Mr. ANDERSON. I can't speak to the timing of their submission to you, sir. I am afraid you will have to save that one for Dr. Warner. I presume that they thought they had sufficient information to describe the commitment that they were asking the Congress to bless.

Senator CHILES. Given the agreements that are proposed by Carter Library, Inc., and that their contingent plans require tract A compliance with Federal and State laws by all parties, what is your view of the Administrator of GSA's responsibility under the Library Act if any of the terms of Carter Library, Inc. has agreed to are not met?

Mr. ANDERSON. I would say that the package should be resubmitted, sir. It should be redrawn to reflect the actual case at hand and then resubmitted for congressional approval. It would be our view on it.

Senator CHILES. So not only redrawn between GSA but it also should be resubmitted to the Congress and the additional 60 days should be granted.

Mr. ANDERSON. That is correct.

Senator CHILES. As I understand your statement, Carter Library, Inc., is awaiting completion of the parkway environmental impact statement before engaging in a land exchange with the Georgia DOT to acquire the library site. Is that correct?

Mr. ANDERSON. Yes, sir. That is our understanding.

Senator CHILES. And that the EIS according to the Federal Highway official will probably not be completed until April 1984?

Mr. ANDERSON. That is also correct, sir. Yes.

Senator CHILES. So that it is not likely that ground to build the library would be broken before that time?

Mr. ANDERSON. That is correct, sir.

Senator CHILES. Who is the treasurer of the Carter Library, Inc.?

Mr. KING. It is Robert Lipshutz.

Senator CHILES. Did he indicate any reason to you for their sense of timing?

Mr. KING. On the submission?

Senator CHILES. Yes.

Mr. KING. No, sir. He didn't.

Senator CHILES. We thank you very much for your work on this and for your appearance here today. We probably will be in touch with you some more on this proposal.

Mr. ANDERSON. Thank you, sir. My pleasure.

[Mr. Anderson's prepared statement follows:]

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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STATEMENT OF

WILLIAM J. ANDERSON, DIRECTOR

GENERAL GOVERNMENT DIVISION

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS

UNITED STATES SENATE

ON

THE PROPOSED CARTER

PRESIDENTIAL LIBRARY

35-521 O - 84 - 2

Mr. Chairman and Members of the Committee:

I am pleased to be here today to provide information and comments on selected aspects of the proposed Carter Presidential Library and its relationship to existing Presidential Libraries in terms of estimated costs to the taxpayer. Our comments are directed primarily to those matters discussed in the report on the proposed library that the General Services Administration (GSA) submitted to the President of the Senate and the Speaker of the House of Representatives on July 26, 1983, pursuant to the Presidential Libraries Act of 1955.

BACKGROUND

The Presidential Libraries Act was enacted on August 12, 1955, to provide for acceptance and maintenance of presidential libraries. The act authorizes the Administrator of General Services to accept for deposit the papers and other historical materials of a President, former President, an official, or former official (rank not defined in the act) of government, together with the papers relating to or contemporary with the President or former President. It also allows the Administrator to accept land, buildings, and equipment offered to the government for a Presidential archival depository and to maintain, operate, and protect them.

The Administrator may not take title to property for a presidential archival depository or enter into an agreement for the use as a presidential archival depository of land, buildings, and equipment of certain public or private bodies until

the Administrator has submitted a report to the Congress and observed a 60 day waiting period or received congressional approval of the plan for the library.

The report on the proposed Carter Presidential Library submitted to the Congress by the Administrator contains, among other things, information on the estimated annual cost to the United States for maintaining, operating, and protecting the Library; a description of the land, building, and equipment offered as a gift and a description of the land to be made available for use without cost to the government; and a statement of the terms for transfer of the facility to the United States and for use of the surrounding land.

DEVELOPING AND REVIEWING THE PROPOSED LIBRARY

The process for the proposal and approval of a new presidential library is not controlled by formalized written GSA procedures. For the proposed Carter Library, the Office of Presidential Libraries in the National Archives and Records Service provided the Carter Presidential Library, Inc., (the private organization that is financing the Library construction) a statement of general requirements intended to provide architectural planners with basic information on the size, functions, and operations of the Library. Included in this information is guidance on space estimates, environmental conditions, and other requirements concerning the nature of a structure to serve the needs of a presidential library.

The guidance is intended primarily as an outline of general considerations to be kept in mind by the architects rather than

as a detailed statement of requirements. It was prepared by the Office of Presidential Libraries primarily on the basis of its experiences on the Ford Library. When the guidance was in draft form it was circulated to the directors of the existing presidential libraries for any comments they wished to provide. The document was then provided to the architects competing for the privilege of designing the Carter Library. The successful joint venture used this document in developing the design of the Library.

The Director of the Presidential Materials Project is serving as the primary Archives representative for reviewing the plans for the Library in preparation for the start of construction. The Director uses the technical assistance of GSA's Public Buildings Service on an as-needed basis. The Library design and construction will primarily be the responsibility of the Library Corporation. Thus, the Director's main role is to assure that the plans have adequately considered the general requirements for the Library on the basis of past National Archives and Records Service experience as determined by the quantity and nature of the archival materials that will be placed there.

COST TO THE TAXPAYERS

The cost to the taxpayers for operating, maintaining, and protecting presidential libraries has long been a matter of concern. It is clear that a rather modest concept of a presidential library prevailed at the time the Presidential Libraries Act was enacted in 1955. Testimony that year by the Archivist of the United States on the need for the legislation emphasized

that the primary purposes of the libraries were to bring together, preserve, and maintain presidential papers for scholarly research. The two libraries existing at the time were relatively limited in size: the Hoover Library was 25,000 square feet and the Roosevelt Library was 39,000 square feet. During the 1955 hearings, Archives officials estimated that at the end of 100 years--if 15 presidential libraries were constructed and given to the government--the annual net maintenance and operating costs would be about $1.5 million for all 15 libraries. Today there are seven libraries in existence and these libraries average about 80,000 square feet each and cost an average of more than $1.5 million each to operate, maintain, and protect.

While we believe the size, uses, and thus the costs of most presidential libraries exceed what was anticipated at the time the Presidential Libraries Act was passed, the proposed Carter Library will be, according to data provided by GSA, more modest in both size and cost to the taxpayers than the last four presidential libraries. According to GSA, the proposed combined library and museum of the Carter Library will total 70,000 gross square feet and will cost an estimated $1.5 million (in 1983 dollars) annually to operate, maintain, and protect.

The estimated operating costs assume that the Library will be fully staffed with 21 positions. The other presidential libraries are not fully staffed, so this estimate overstates expected costs to the extent that Library and Museum positions are not filled. Estimated building maintenance, utilities, and

cleaning costs were derived from the average of these costs at the seven other presidential libraries. This average was judgmentally adjusted for climate and other anticipated differences in the Atlanta area and expressed as $9 per square foot for the 70,000 total gross square footage in the Library/Museum to arrive at an estimated annual maintenance, cleaning, and utilities cost of $630,000.

At the time the cost estimate for maintenance, cleaning, and utilities was developed, key design decisions had not yet been made. Only conceptual design drawings were available. These drawings did not specify the heating/cooling systems to be installed in the building or the specific building materials to be used. Therefore, parametric estimating methods based on square feet of space were used to develop the cost estimate included in the proposal submitted by GSA. A more reliable estimate will be available when detailed design has been completed. The estimate of the annual cost for protection of the Library/Museum is based on anticipated contract costs for these protection services and maintenance costs for the security system.

The GSA report anticipates one-time costs for the Library to be $341,300. Most of these costs are related to an electronic security system and specialized museum storage equipment, such as garment and fabric storage containers and storage containers for maps, charts, or similar large documents that should be stored flat. The exact requirements for the storage equipment are not fully known because most of the museum items are

still crated and have not yet been fully evaluated. This will be done by a museum curator who has not yet been appointed.

SITE FOR THE LIBRARY

The Carter Library is to be constructed on land presently held by the Georgia Department of Transportation. This land was originally acquired as a right-of-way for the construction of Interstate 485, but that project has been terminated. According to Federal Highway Administration officials, the land was acquired in part with the use of federal highway trust fund monies. Approval for reuse of much of the land acquired for Route 485 has been granted to the Georgia Department of Transportation by the Federal Highway Administration, and some of the land has already been converted to other approved uses. Reuse for certain purposes, such as public recreation or conservation, could remove the requirement for repayment of federal highway funds.

The Georgia Department of Transportation plans to convey the land for the Library site to the Carter Presidential Library, Inc., by exchanging the site land for other land to be acquired by the Corporation, provided that the other land is of equal value and can serve a transportation need. The Library Corporation has not yet acquired the land to be exchanged for the site of the proposed Carter Library and, therefore, the exchange has not yet occurred.

The Carter Presidential Library is planned to be located adjacent to the Carter Center, which will be a complex of three structures with surrounding grounds and two lakes. The Library

and the Center are to be constructed concurrently and, for economy reasons, share a common heating and cooling system. Such sharing would require the allocation of heating and cooling costs between the Center and the Library and an agreement laying out the specific cost sharing arrangements will have to be developed. To realize further economies, similar arrangements may be entered into for the care of the grounds and for security for the Center/Library complex.

The Carter Library will be located about 2 miles east of downtown Atlanta and will be reached by a road to be known as the Presidential Parkway. The Georgia Department of Transportation contends that this 2.4 mile road will serve primarily as an east-west commuter road and will incidentally provide access to the Carter Library. Westbound traffic heading toward downtown Atlanta will flow around the northern side of the Library and Center site, and eastbound traffic will flow around the southern side of the Library and Center site.

Before contruction of the parkway can begin the Federal Highway Administration must complete an Environmental Impact Statement in compliance with the National Environmental Policy Act of 1969. A draft statement was prepared and circulated for comment in the early part of 1983. Public meetings and a hearing were held in Atlanta in June 1983. As a result of the comments, these reviews, and discussions, the statement is now undergoing change. The Georgia Department of Transportation, which has been obtaining the primary input for the statement, anticipates that its submission to the Federal Highway

Administration will be completed before December 1983. Federal Highway Administration officials in Atlanta and Washington have told us that the final statement probably will not be available until April 1984.

While federal and state transportation representatives have said that the parkway is not intended to primarily serve the Carter Library, it apparently is viewed as an important aspect of the planning for the Carter Library by the Library Corporation. The Treasurer of the Library Corporation told us that the Corporation has not yet acquired land to exchange with the Georgia Department of Transportation for the Library site because of the delay and uncertainty surrounding the Environmental Impact Statement for the parkway. He said that if the parkway is not approved for construction, the Library Corporation may decide upon another site, but it would likely be in the same general vicinity as the currently planned site.

Department of the Interior comments on the draft Environmental Impact Statement revealed that the site of the Carter Library may be one with historical significance as potentially the site on which General Sherman camped during his seizure and burning of Atlanta during the Civil War. The Interior comments suggested that further archeological information be developed to help determine the extent of the historical significance. GSA does not believe that a separate Environmental Impact Statement will be required for construction of the Carter Library. But, GSA has agreed to prepare an Environmental Impact Assessment for the construction of the Library and relate this to information on the Library construction that is discussed in the statement for the parkway.

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That concludes my statement, Mr. Chairman. My associates and I will be happy to answer any questions you may have.

Senator CHILES. Our next panel of witnesses will be with Dr. Bob Warner who is the Archivist of the United States. If you will introduce your team for the record.

TESTIMONY OF ROBERT M. WARNER, ARCHIVIST OF THE UNITED STATES; JAMES O'NEILL, ASSISTANT ARCHIVIST FOR PRESIDENTIAL LIBRARIES; DONALD SCHEWE, DIRECTOR, CARTER PRESIDENTIAL MATERIALS STAFF; AND GARY BROOKS, CHIEF COUNSEL, NATIONAL ARCHIVES AND RECORDS SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. WARNER. I surely will.

Senator Chiles, I will take this opportunity first to introduce my associates. On my immediate left is Dr. James O'Neill who is the Assistant Archivist for Presidential Libraries and the person most knowledgeable about the Presidential library system in the National Archives. On his left is Dr. Donald Schewe. Don has been the person in Atlanta who has been the principal contact between GSA and the Carter architects and planners in this and has had many day-to-day contacts in providing information there.

On my right is Gary Brooks who is from the GSA Office of the General Counsel who has been the principal person involved in working on the legal questions that necessarily come about in the preparation of this activity. I might mention that I have brought a couple of charts that might help a little later on in clarifying various points.

Senator CHILES. All right, sir.

Mr. WARNER. As far as my testimony, it is really quite brief, only a couple of minutes. So instead of summarizing it, I think I might as well proceed.

Senator CHILES. Proceed as you like.

Mr. WARNER. Surely. Thank you very much.

Thank you for allowing me to appear today to endorse the proposal to establish what we are convinced will be a valuable institution—the Carter Presidential Library.

The proposal you have before you reflects the careful planning and close cooperation of the Carter Presidential Library, Inc., who are the donors of the facility; the State of Georgia; Emory Univeristy; and the General Services Administration. In the planning of the library all parties have been sensitive to the concerns of Congress about the costs and character of Presidential Libraries.

With these concerns in mind, the National Archives, with the full cooperation of President Carter—we had some reference to that already in the testimony this morning—has been involved in every stage of planning the library building. We have also consulted with experts within the Government and from the Atlanta community. This planning has yielded a design for an efficient, useful, and pleasing building of the minimum necessary size. The building will incorporate energy-saving technology and is compactly designed with many multiple-use spaces. At 70,000 gross square feet, it will be the third smallest Presidential Library, larger only than the Hoover and Roosevelt libraries. This, despite the fact that the Carter Presidential materials, amounting to 30,000 cubic feet, are the most voluminous ever to be housed in a Presidential library.

The building space will be devoted in roughly equal proportions to the two basic missions of Presidential libraries: to providing students and scholars with the raw material for the study of a Presidential administration, and to providing the general public with a readily accessible means to think and learn about a period in American history. The library will serve these constituencies through its archival and museum programs.

The responsibility of the U.S. Government to maintain and administer Presidential archives is absolute. It is not open to question that the records of our Presidents, our most visible public servants, should be cared for and made available at the public expense. These Presidential materials are part of our common memory as a Nation.

What has been called into question in some quarters, is the need to exhibit these same materials in Presidential library museums. My answer must be that museums widen the audience for the papers, pictures, objects and other historical materials far beyond what it would otherwise be. A historical museum can lead school children, civic groups, and even casual visitors—indeed, we are talking about the American public, to consider the complexities of executive decisionmaking and to ask questions about the way their Government works. Through these exhibits of documents and objects, visitors will be able to directly experience evidence of the way we govern ourselves.

Museums devoted to single Presidents have been criticized as monuments. The National Archives is being watchful in this regard. Our experts are advising the museum designers on the appropriateness and historical accuracy of displays. We also have a formal oversight and approval policy for any proposed additional exhibits. In addition, President Carter has made known his wish that the museum have an historical and educational orientation.

The Carter Library will not be just a building; it promises to be a vibrant institution. In addition to fulfilling the Government's mission of preserving and making available the historical record, the library will have an association with Emory University, the neighboring institution, which promises to be fruitful. We expect to cohost public conferences, scholarly symposia, and educational programs in conjunction with Emory University. Such activities are essential to encourage the free exchange of ideas. The Carter Presidential Library, Inc., has plans for a generous endowment to fund these programs.

President Carter has already donated his papers to the United States in the expectation of the acceptance of the Carter Library. The Carter Library will also be donated to the United States. I believe that if the offer meets all legal requirements the Government should accept this donation.

We will be pleased to answer your questions, Senator.

Senator CHILES. Thank you, Doctor.

I think there is one issue that we can resolve quickly; that is, the Carter Library Museum is going to be one facility in one location.

Mr. WARNER. Yes, sir. That is right.

Senator CHILES. Let me ask you, Dr. Warner: Does the Archives now have a policy to encourage former Presidents to locate their library and museum in one building in one geographic location?

Mr. WARNER. I think that has proved to be the most efficient and administratively best arrangement. Yes.

Senator CHILES. Is there a policy to encourage that now?

Mr. WARNER. I would say as far as the staff is concerned and I can speak personally on this, yes.

Senator CHILES. Is there a chance that President Nixon or President Reagan will propose two facilities for their libraries and museum?

Mr. WARNER. I think it is maybe a little premature as far as President Reagan, what he is thinking about in this particular area. As far as President Nixon, there are some preliminary plans and they definitely show a single facility.

Senator CHILES. That is certainly progress, given the fact that the last President that had a library and museum was at two separate locations and I didn't know whether we were going to three or more.

Dr. Warner, tell us about the government role in the making of the Carter Library proposal? Where did the process begin in the development of the Carter Archival depository and how did Archives participate in developing the proposal? What triggered the GSA submission to Congress?

Why now as opposed to later?

Mr. WARNER. Let me go back and review the history just a little bit. During President Carter's Presidency, he made his intention known that he planned to donate his Presidential papers to the United States. And I believe at that time we provided him with information about the Presidential library system and what the requirements of the law were and so forth.

After the conclusion of his Presidency, President Carter did donate, in the form of a letter of gift, his papers to the United States. At that time, then, we provided him with further information, including a very detailed, very elaborate program book outlining the necessary space and so forth that would be needed in the Presidential library.

This is the document that our colleagues from the GAO referred to in their statement, a very elaborate document which spelled out the kind of space, the security arrangements, the kind of storage and so forth that would be required to build an appropriate archival facility. This was provided to President Carter's planners, and I think all the architects who were interested in building this project received copies. And the one that finally did the plan, used it very heavily as a basis in designing the library.

Also, we were very responsive, and perhaps Dr. Schewe could respond a little bit more in detail on that, to answering all questions which flowed from the Carter architects in the whole planning process.

There was extensive exchange, providing them information that would be useful in building an effective and efficient archival building.

So those steps were all part of the preliminary work. When the plans were completed, they were forwarded to us along with the formal offer of land for appropriate review.

These were reviewed by appropriate agencies in GSA for sufficiency. And then, upon that basis, the package was forwarded. I

guess the items that triggered it would be having the offer submitted from Carter Library, Inc., having that reviewed for sufficiency by the GSA and then, from our standpoint to insure, that it reach the Congress before construction got underway, so there could be review by the Congress of the package before any construction took place.

Do you have anything to add on the planning process?

Mr. SCHEWE. I think Dr. Warner has very accurately characterized my role in this. I would just say that I met with President Carter and his architects at the time he selected the architects and met with the architects virtually on a daily basis from that time on to help them.

Senator CHILES. So you were in on the planning from the ground floor?

Mr. SCHEWE. Yes, sir.

Senator CHILES. Your advice or your counsel or your direction was sought and you were giving that at the time.

Mr. SCHEWE. The very first day. That is correct.

Senator CHILES. Doctor, in your statement and in your reply, you talk about President Carter donating his papers. I think that is admirable. And I don't want to denigrate at all what President Carter has done in that regard. I think that in addition to simply his Presidential papers he has gone further. I think that the steps that President Carter took were prior to some other requirements. But I think it should be pointed out for the record that we now have determined that the President's papers do belong to the people, that they no longer belong to nor are they the property of the President. Historically, one of the reasons for setting up the individual libraries to start with.

It was an inducement to get a President to submit his papers so they would be available for the Archivist, historians, and the general public to be able to view, because in the past those were considered to be the President's private property.

Mr. WARNER. That is quite correct. President Carter was the last President to follow the old system where the papers were his to donate. The new law provides that the papers belong to the American public.

Senator CHILES. I think that was a very good step that he took. Henceforth, we don't have that requirement. Those papers do belong to the people.

Mr. WARNER. Official papers do.

Senator CHILES. Yes.

Mr. WARNER. That is correct.

Senator CHILES. Would you compare the process associated with the Carter proposal with what happened with the other existing libraries?

Mr. WARNER. This is the first Presidential library I have been involved in as Archivist of the United States. So perhaps I should defer to Dr. O'Neill on that question for further elaboration, but in general I would say it is probably very similar to what has been done with perhaps more advice coming from us than in some of the earlier Presidential library planning.

Dr. O'Neill, you know something about the history of the other libraries. Perhaps you might want to comment on that question.

Mr. O'NEILL. Each of them is, of course, Senator, somewhat unique so that the parallel numbers are never precise but there is a similar process taking place.

Let's go back to the mid 1960s. In 1965, Mr. Johnson was still President and the package for his library was submitted at that time, 3 years before he decided not to run for reelection.

The package for the Kennedy Library was initially submitted in 1966. That was for a library to be built at Cambridge, Massachusetts, adjacent to the campus of Harvard University.

When that proved to be out of the question, that package was completely resubmitted to the Congress in 1977, and was accepted by joint resolution of the Congress in May of 1977. So that following up on the questions you were asking Mr. Anderson, if that occurred in this case, we would resubmit the package, of course.

I think the closest parallel is that of the Ford Library, with the exception of the split facility, of course. President Carter was very much aware of the Ford facility. He visited the Ford facility at our suggestion so that we could show him the kind of space, the kind of requirements and perhaps even things to avoid.

In the case of the Ford Library, we submitted the package as soon as we reasonably could after receiving it from the University of Michigan, which served as the main point of contact. Unfortunately, it came too late in the session of 1978 to submit and allow 60 days to run, because we were assuming that we had to have 60 legislative days in 1979. So we delayed until early 1979 before sending it up to the Congress. So there was a slightly larger gap than there has been in this case.

In this case, we received the package in early June this year and it was submitted to the Congress by the Administrator in early August of this year. The matter in the Ford case was very similar also in that we were closely involved with the architects, closely involved with President Ford and with his associates in developing adequate space needs from our archival and museum points of view.

We learned a great many lessons about that. We applied many of those lessons to the document that you have heard described this morning, the specifications document for space needs that we used in the Carter case.

We have felt that for future libraries, as well, we will continue to provide such guidelines. But the pattern is very similar in all of these cases.

Senator CHILES. In what stage of the process are we in in the cases of President Nixon and President Reagan?

Mr. WARNER. As far as President Nixon is concerned; a foundation, of course, has been established and a site has been selected in California for that library.

We have provided this same book of specifications on what should be the basic elements for an efficient Presidential library to the planners of that facility. There have been preliminary plans for a particular building in that regard.

Now we are in the negotiation stage before the package comes to us. So we have moved some distance but there is still some distance to go.

As far as President Reagan, he has not made any statement about the Presidential library or a particular location. However, I think all of us are aware that there have been newspaper reports and so forth that Stanford University might be the possible site. Our role to this date has been to answer questions from the people that are interested in thinking in a general way about the nature of a Presidential library, what would be necessary for a package and that sort of thing.

Senator CHILES. Your proposal states that every effort has been made to ensure an economical and efficient building of the minimal size necessary for the successful operation of the library.

Could you tell us how it was determined that 70,000 feet was the minimum size necessary for successful operation?

Mr. WARNER. I'll tell you some things in general. I might ask Dr. Schewe to talk a little bit about how the space decisions were arrived at. There are certain basic givens. One, for example, is the size of the collection itself. We mentioned that it is the largest collection of papers yet to be housed in the Presidential Library. This growth in volume also seems to be a part of our inflation.

Collections of Presidential materials seem to get larger in size. So that is certainly a major factor—in addition to the amount of material that comes in—also the nature of that material need consideration.

We find, for example, the newer Presidential libraries are receiving much more audiovisual type material, files and tapes and video tapes and that sort of thing.

This requires more space and equipment than the earlier collections. Then, too, possible crowds that might be in a particular library are a factor. Some libraries, by their location, are going to be more heavily used than others, so we do want to be sure that there is enough space to handle the anticipated crowds safely.

Those are all factors. Dr. Schewe, maybe you want to comment on some others as you are involved in the detailed planning.

Mr. SCHEWE. I should point out that we were indeed fortunate in this case that President Carter was interested in having the smallest building he could possibly get, basically because he had to raise the money.

So he had the motivation there. So we were very fortunate in having someone with us who was interested in trying to utilize the space as efficiently as possibly could be done. We spent a good deal of time studying the problem and looking at alternative solutions that had been found by other archival depositories for space sharing, use of multipurpose rooms, multipurpose facilities, that type of thing.

We basically tried in every case to get the facility into as small an area as we felt could be used and still function efficiently to do our job.

Senator CHILES. As I read the letter of intent signed by President Carter, GSA, and Georgia DOT will enter into an agreement about the tract B property. Under the agreement, GSA will maintain the property at the agency's expense in a manner at least consistent with requirements of Georgia DOT for a roadside park.

Is tract B going to be something more than a parking lot?

What is tract B going to amount to?

Mr. SCHEWE. Tract B, as you can see by the chart, is this area down here and this area outside the actual footprint of the building running out here.[1] That area is essentially going to be a parking lot, an area that is left in a more or less natural state. There are very large trees there now with some low ground cover that essentially requires lawnmowing. That essentially will be the extent of the maintenance for the tract B area.

The Georgia DOT requirement, by the way, is for the lawn to be mowed twice a year.

Senator CHILES. What roadside parks do we operate at any other Presidential libraries?

Mr. O'NEILL. Senator, I don't know of any where there is a roadside park as such. In several instances we share a common area of land with the National Park Service and to that extent it is comparable, but to my knowledge, there is none quite like this arrangement.

Senator CHILES. What parking do we maintain at other Presidential libraries?

Mr. O'NEILL. In all cases, we have parking facilities of our own. In a few, we also share certain parking facilities with neighboring institutions.

In the case, for example, of the Kennedy Library, we, during the very busy summer season, use some of the parking of the University of Massachusetts campus which is adjacent to the Kennedy Library.

We have similar arrangements with the National Park Service of the Department of Interior where we are sharing some of the same site. As at Hyde Park, NY, where the Roosevelt Library is located, we have a common parking facility there. But it is all operated by the Federal Government.

Senator CHILES. What is the estimate for operating and maintaining the roadside park and is that estimate reflected in the proposal?

Mr. SCHEWE. Yes. The estimate is reflected in the proposal. The estimate for the maintenance of the portion known as area B was $15,000 a year. That essentially would cover the cost of lawnmowing for that facility.

Senator CHILES. $15,000 a year?

Mr. SCHEWE. Per year, yes, sir.

Senator CHILES. Would you explain to me the layout there as the A, B, and C and tell me what each one of those contain? [2]

Mr. SCHEWE. The area indicated as "A" is the land which will be donated to the Government in fee simple. That includes that portion of the building which will be donated to the U.S. Government in what they call a footprint. That essentially is the land immediately under the building. They have carried that footprint out through the walkway that leads up to the building.

The area indicated as area B is the land which will be retained by the State of Georgia but made available for use to the United States so long as the building in area A continues to be used as a Presidential library.

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[1] Charts referred to appear in the GSA proposal, beginning on p. 56.
[2] See p. 59.

The area indicated as area C up there will also be maintained by the State of Georgia or retained by the State of Georgia, but will be made available to Emory University and/or the Carter Center for their use.

Senator CHILES. In area A, does that include—is that a parking lot that I see over there off to the right?

Mr. SCHEWE. No, sir. That is the entrance way. It is a covered entrance way where people will walk from the parking lot to the building.

Senator CHILES. So that the area A itself is not any parking. It is simply where the building itself will be?

Mr. SCHEWE. That is correct.

Senator CHILES. That is the part that will be deeded to the U.S. Government?

Mr. SCHEWE. Yes, sir.

Senator CHILES. Area B will not be deeded to the U.S. Government?

Mr. SCHEWE. That is correct.

Senator CHILES. But there will be an agreement from the State of Georgia that it will be, that that land can be used by area A as long as it is a presidential library?

Mr. SCHEWE. That is correct.

Senator CHILES. Who is going to take care of area B?

Mr. SCHEWE. That is GSA's responsibility, sir, to maintain that area.

Senator CHILES. Even though we will not have title?

Mr. SCHEWE. Yes, sir.

Senator CHILES. Isn't that a little unusual? Wouldn't we normally take title to the land that we are going to maintain in perpetuity?

Mr. BROOKS. Maybe I can answer that.

Senator CHILES. Tell me why the reason for that is, if you can.

Mr. BROOKS. As Dr. O'Neill explained, in all other presidential libraries we have owned property in fee simple with the one exception. We do have one parking facility at the Kennedy Library where we have a similar easement or use agreement. But this would be the first one where the parking in the main would not be owned by the Government but would be merely an easement under which we could use that property.

The reason is that there are requirements in the State of Georgia law that preclude the State from deeding it—the property in area B—over to the United States. They—the State—could not even give us a long-term lease on it—the property in area B.

Senator CHILES. The requirements in Georgia law?

Mr. SCHEWE. That is correct.

Senator CHILES. But the Federal Government, as I understand it, is going to take care of "B," it would be our responsibility to take care of that.

What about the lower part of "B" down there? What is the use of that?

Mr. SCHEWE. That is a parking lot which would be used mainly as an overflow parking lot.

Senator CHILES. That is another parking lot. All right. Tell me about area C?

Mr. SCHEWE. Area C is the land which Emory University and the Carter Center at Emory University will be using. To refer back to a point that you made in talking with the GAO people, we have already negotiated or talked with Emory University about establishing a common maintenance for the entire area and having the cost-sharing arrangement worked out there. So that one or the other of us would undertake the responsibility for contracting out and having it maintained with a cost-sharing arrangement, so that neither side would benefit financially from one of the other's actions.

Senator CHILES. So you are negotiating with the President for the Carter Library, Inc., or with Emory University?

Mr. SCHEWE. Emory University.

Senator CHILES. There will be a cost-sharing on the maintenance of area B then, parking?

Mr. SCHEWE. Yes.

[Subsequent to the hearing. Dr. Schewe furnished the following information:]

This answer and the immediately following testimony by Dr. Schewe refers to the possibility of agreements to allocate actual costs of maintaining tracts B and C between the Government and the University if both tracts are maintained by a common contractor for consistency. The Government would only be responsible for the cost of maintaining Tract B. The University and/or the Carter Library, Inc. would be responsible for the cost of maintaining Tract C. The University and the Carter Center have adequate parking in Tract C and would not normally need to use any parking in Tract B.

Senator CHILES. Do you know what the terms of that are at this time?

Mr. SCHEWE. They have not been worked out at this time.

Senator CHILES. But that negotiation is not going on at the Carter Library, Inc.?

Mr. SCHEWE. It would be with Emory University, yes.

Senator CHILES. That, again, would be part of the final agreement?

Mr. SCHEWE. Yes, sir.

Mr. O'NEILL. Senator, I might simply add in the case of the Ford facility at Ann Arbor we have somewhat similar arrangement here in that the building itself and the land and parking lot are still owned by the State of Michigan by the University.

We have the responsibility to maintain it and we do that on a contractual basis. The parking lot is not as large a parking facility as this one.

Senator CHILES. What cost sharing agreements in total will be necessary between the Carter Library and the Carter Policy Center?

Mr. SCHEWE. There will be a number of them. For economy reasons, it is cheaper for both parties involved to have one larger heating plant, one larger cooling plant, and develop a pro rata share that each would pay.

The same is true of maintenance of the building and security. Those three are agreements that will require some formal negotiation and some working out. In addition, we have talked with the folks at Emory University about the possibility of doing things on an informal basis which both of us will benefit from.

For example, we are required, we need to have for our business purposes subscriptions to several journals and periodicals. The folks at the Carter Center at Emory University will need to have those too.

I have informally agreed with the librarian at Emory University that we will sit down when the time comes and divide up the list so that he orders some, I order some, and we share them.

Senator CHILES. None of this is in the proposal that has been submitted?

Mr. SCHEWE. None of this has been formally worked out, no.

Mr. BROOKS. Maybe I should add, Senator, that all of these agreements we are referring to now really don't change the numbers—the estimated costs—we have as far as maintenance and operation of these facilities.

It is merely for the ease of the parties. We could set up our own agreements and operate on our own, paying for much of this maintenance, but it is the ease of the parties because of their proximity that we enter into these joint agreements.

Senator CHILES. The numbers are changed depending on what the cost-sharing agreement is in regard to, heating, security, or parking. That certainly changes the amount of money the Federal Government is going to contribute, does it not?

Mr. BROOKS. No. It should be negotiated so that we only pay for our share and Emory pays for their share. And our estimate is what our share should be as best as we can estimate it.

Senator CHILES. Is that part of the proposal now?

Mr. BROOKS. No, sir. That was left for further negotiation.

Senator CHILES. The point I am trying to make here is—and again no aspersions to President Carter because it sounds like he is trying to do everything to give the Government a fair break on this thing—but at what stage should that be a part of the submission that comes to the Congress given the fact that in some instances we have employees of the Federal Government dealing with an existing President. That is not exactly "arms length negotiations." At what stage should the taxpayer have the Congress as a buffer in there to say wait a minute, we don't think that agreement is fair. We don't think you have got a good deal.

In other words, if at some stage the Congress had looked at the deal that President Johnson worked out in which he said, "We ain't going to allow any admission to my museum," the taxpayer might have admissions charged to that museum. So what I am saying is when you submit a proposal to us that says there are going to be agreements but you don't say what the Government's fair share is or what that agreement is, is that a proposal that is ripe to come before the Congress? Can we judge from that whether we think there has been a fair agreement for the taxpayer?

Mr. BROOKS. Your point is well taken with respect to perhaps the Johnson Library where that does affect the cost involved. My point here is the agreement really is merely a framework. If we were to submit it, it would only say that each party would pay their fair share. But it won't affect the estimate of cost we have already included which will be prior to that maintenance.

Senator CHILES. You and I are not talking on the same wave length. If you decided that the Carter Library was going to be re-

sponsible for 90 percent of the parking and that the center was only responsible for 10 percent of the parking as opposed to 60–40, that would make a difference in what the Federal Government is paying. It seems like to me that that agreement is up in the air to be negotiated and we don't see what that negotiation is and can't weigh as to whether we think that is a fair break, whether it should be 50–50, 60–40 or 90–10. That definitely affects the amount of money the Federal Government is going to pay out over the lifetime of this library.

Mr. BROOKS. Perhaps the parking is an unusual example. Perhaps if we went to matters like the costs of heating the building, there we will have a joint agreement with Emory. The agreement will try to reflect the proportional share of how much heat or energy use——

Senator CHILES. I understand that. I think that is very valid.

Mr. BROOKS. But we may not be able to tell whether it is 50–50, 60–40 until the installation is actually there.

Senator CHILES. I agree with you as a lawyer. You could spell that out. There will be some way of measuring that and you will determine that. Parking I think or security is a little bit different. I think those are things that are much more up in the air and you would have to get some meeting of the minds as to what the parking is going to be unless you are going to count every car that comes in over a period of time and determine what it is for the center or the library.

Mr. SCHEWE. In the submission we gave we figured the cost based upon what would happen if we took over and did all of the things that we needed to do to maintain, secure and so on on the building as if Emory did not exist there. Any agreement that we would work out would do nothing but lower those costs to the U.S. Government or we wouldn't enter into the agreement.

Senator CHILES. I understand that. It seems like to me if we are maintaining a parking lot that is actually going to be used for the center as well depending on how much traffic comes to the center as determined what the use of that parking lot is, how often it would have to be repaved, what would have to be done. That certainly appears to me to be something that would make a difference over a lifetime of this proposal.

Mr. SCHEWE. Yes, sir.

Mr. BROOKS. Senator, my understanding was that there is going to be a separate parking lot for the Emory University.

Mr. SCHEWE. There is. A portion of area C that you see up there does include parking for the Carter Center.

Senator CHILES. Area C does include parking?

Mr. SCHEWE. Yes.

Senator CHILES. I asked that earlier. I didn't get that answer. I was told they were going to park in area B.

Mr. SCHEWE. There is no sign to indicate that this is parking for the Carter Presidential Library, this is parking for the Carter Presidential Center. But they are in proximity.

Senator CHILES. Does "C" have sufficient parking to take care of the needs of the center?

Mr. SCHEWE. On a day-to-day basis, yes, sir. All of the people who are expected to participate and work in the center.

Senator CHILES. Will the center also be a conference center?

Mr. SCHEWE. Yes. On those times when there is a conference there that would not provide parking for all of those people.

Senator CHILES. So we are making arrangements in "B" to be able to take care of the parking for the center on other than a day-to-day basis?

Mr. SCHEWE. When they have a conference, yes, sir.

Senator CHILES. Are there plans to charge a fee to the museum visitors?

Mr. WARNER. All of the museums as you pointed out except the Johnson do so. I am sure that this tradition will be continued.

Senator CHILES. Do you know what the fee structure will be now?

Mr. WARNER. Has that been discussed?

Mr. O'NEILL. I don't think it has been determined. In the other libraries it ranges from 75 cents for an adult to $1.50. For the Roosevelt Library we have a joint agreement for a joint ticket with the Park Service. Several of the midwestern libraries charge $1, others charge $1.50. I suggest if you would do it right today, it would be $1, $1.50, something like that.

Senator CHILES. Dr. Warner, you recommended that if the Carter Library meets all the legal requirements that the Government should accept its donation. What do you mean by the legal requirements?

Mr. BROOKS. Maybe I should address part of that. The one specific example certainly is the environmental impact. We are not addressing the main problem of the road and the project as a whole. We understand that is being done through the Department of Transportation of Georgia, perhaps needing the approval of the Federal Highway Commission also. However, we are also developing some environmental documents in our regional office which will take into account some specific problems of the library that perhaps the Georgia Department of Transportation may not take into account. And that needs to be addressed and considered before there is any final agreement made.

Senator CHILES. Will the President have an office in the library and will he have an office in the Carter Center?

Mr. WARNER. As the plan now stands, Senator, the President will not have an office in the Presidential library. I think it would be unique in that respect. But he does plan an office in the Carter Center which of course is very close, is part of the complex.

Senator CHILES. Will the Government be supporting the office in the center?

Mr. BROOKS. That may go beyond our responsibility with respect to dealings, with the Archives. I think under the former Presidents acts there are other requirements for payment but it would not be through the Presidential library.

Mr. WARNER. It won't be in our budget. It might be in some other part of the Federal Government's budget. I can't speak to that.

Senator CHILES. I think it is a question of interest certainly of this committee and certainly of this Senator. We have a library there. Space could be provided in that library. We already have the roof, we already have the walls, we are already heating the building. I am concerned if we are going to be required to buy space so

to speak, in a building that close by. Let the record reflect that the witnesses were moot on that question. [Laughter.]

Mr. WARNER. That is true.

Senator CHILES. GSA recently sent a letter to Congress correcting the statement in the proposal that the State of Georgia will ready land for the library and construct access roads and parking facilities without cost to the United States. The letter indicates that the Federal Highway Trust Fund will be involved in some portion of the access road construction of the library. You haven't given us any ball park figures on how much Federal money is involved. Is it your view that you are not required to give us estimates of the Federal dollars involved in access roads?

Mr. WARNER. I think that is beyond the responsibility of the GSA and National Archives. We are concerned of course that there is a road to the library but its planning and development and funding and so forth falls, it seems to us, in the responsibility of the parties concerned, Georgia and perhaps the Federal Transportation Department.

Senator CHILES. What I am asking is, do you think that access routes are "additional improvements necessary to the satisfactory operation of the depository?" If you do, then the Library Act mandates that the Administrator give us an estimate.

Mr. WARNER. If they are concerned about the road, where it is, the format and so forth, I think it is a responsibility that could be best addressed at the local level.

Senator CHILES. Again I am asking sort of the legal question as to whether access routes would be under this additional improvements?

Mr. BROOKS. We have not had this problem in the past, I guess, because there hasn't been any construction requiring that. Although I do recall in the Kennedy Library package there may have been discussions on the access road there but that was because we had to obtain easements to use those roads.

Senator CHILES. I would like counsel to look at that question and give me an answer in writing if you would as to whether access routes would amount to an additional improvement.[1] If they do under the act then we should have an estimate. Are there any Federal park funds involved in the plan?

Mr. BROOKS. None that we are aware of.

Senator CHILES. If Carter Library, Inc., is not able to meet the terms of the proposed agreement, then I understand it is your view that GSA's responsibility would be that it would have to submit another proposal. Is that correct?

Mr. WARNER. That is correct and if there are any major changes, whatever, that would have to be brought to Congress' attention.

Senator CHILES. What kind of changes do you feel that would require the new submission? You say major.

Mr. WARNER. Surely. If for example the location were changed such as we had with the Kennedy Library, that surely would be a major change or if there is a substantial change in building design, those would be examples.

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[1] See p. 37, question 2.

Senator CHILES. I am somewhat concerned about the congressional review process which is taking place while we still have some outstanding determinations to be made by Federal officials. Specifically, the Secretary of Transportation or the parkway environmental, EIS statement, if the 60 day review process expires that seems to imply congressional approval of the library proposal. Do you think that that expiration influences in any way the other decisions which Federal officials must make under other statutes?

Mr. WARNER. Probably it does have influence.

Mr. BROOKS. Maybe I could add something. Actually, the 60 day period we don't look at as approval or disapproval. It merely authorizes us to take action. So if the 60 days passed and the project had not been finally approved by GSA, Congress still could take any action. That would not foreclose it as I see it.

Senator CHILES. Just to review for you some of the open-ended questions that are not fully answered by the proposal. We have this outstanding environmental impact statement that may or may not change the Carter Library, Inc., plans as to where to locate the library. Their acquisition of land to be given to the Government is contingent upon the parkway EIS being satisfactorily completed. The proposed agreements are contingent on compliance with the Federal law.

The question of whether we have in hand the cost-sharing arrangements that are to be made between the policy center and the library concerning the roadside park and other grounds, parking and heating, cooling, and security. The estimates on the annual operating and maintenance costs are based on other Presidential libraries, not the actual design of the Carter Library. I know that is the best handle you have now, but better estimates we know could be made when you see a final design or final plan. So in retrospect my question is whether the process is mature enough so that Congress is in a position to say we approve or not or what happens if we just fail to take any action and just allow another 10 days to run.

You said that GSA doesn't necessarily consider that to be binding. I am concerned about what our responsibility is from the Congress. I think there is some open-ended questions here that we have to know before we can say we approve or before we say for some reason we disapprove.

Mr. BROOKS. Yes. I can understand your concerns. If there is any fault it may rest in the Presidential Libraries Act. We have provided the elements we believe that are required by that act when we submitted the report. The other problem is it appears you are trying to move the approval process downstream perhaps until the point when the building is already constructed and ready for occupancy. That certainly puts pressure, I believe, both on GSA and Congress.

Senator CHILES. I don't know that we are trying to move it downstream that far. But at what stage is it just a concept? We don't have designs or you didn't at the time you submitted the proposal. So at what stage do we just say, well, the last five libraries, it cost *x* number of dollars, so we therefore think the figure is this. Certainly there has been a great deal of work going into how saving devices would be placed in this library. Yet we don't have the

design to look at. I think that is a far cry from saying the building has got to be complete.

Mr. BROOKS. It is difficult to draw that line because as we indicated we want to get the package up—to Congress—and we have been perhaps admonished before for not getting it up in time. We wanted to get the package to Congress before there had been any construction on the project at all. When we sent the package, the Carter package up, the information that we received at that time——

Senator CHILES. I think you have been admonished before. I see what you are pointing out there. My concern is that we don't even know for sure if this is going to be the location, the site, because we don't have the property in hand as such.

Mr. BROOKS. When we did send it—the Carter Library proposal—up in July, the best information at that time at least that we could obtain was that the project could have gone forward as early as the fall of 1983. Apparently now that is not going to be the case.

Senator CHILES. That certainly doesn't look to be the case now.

Mr. BROOKS. No. We are looking with hindsight now. At that time that was the best information we had.

Senator CHILES. I understand that. I understand there has been a change. My strong feeling is—maybe we should express something of this in some kind of a committee report—that we should not feel like we are looking at a project that isn't ripened to a point that if we allow just another 10 days to go by, we have approved and then there could be some major change.

I thank you very much for your testimony and I am sure that we will be in touch with you as this matter proceeds.

Mr. WARNER. Thank you very much, Mr. Chairman.

[GSA responses to written questions from Senator Chiles follow:]

GSA RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR CHILES

Question 1. During the Committee's hearing on the Carter Library proposal, Counsel to GSA, Mr. Brooks, commented that GSA is developing some environmental documents in the regional office which will take into account some specific problems of the Library the Georgia Department of Transportation might not take account of in the Environmental Impact Statement relating to the Presidential Parkway. Would you explain to the Committee what those specific problems are and how they relate the GSA's deliberations on any agreement to be made on the library?

Answer. At the time of the hearing on the Carter Library report on November 9, 1983, the only environmental document published was preliminary Presidential Parkway Environmental Impact Statement (PPEIS) prepared by the Georgia Department of Transportation (GADOT) under the requirements of the Federal Highway Administration (FHWA). This PPEIS focused mainly upon the proposed highway. Therefore, GSA's plan was to consider separately any specific environmental issues raised by the proposed library. These issues included the impact on the environment of the library staff and of the visitors to the library.

Since the time of the hearing, GSA and FHWA have agreed to expand the content of the PPEIS to address the proposed Carter Library in more detail. The initial Federal decision leading to development of the site for the proposed Carter Library will be FHWA's determination whether or not the GA DOT should transfer the land for this purpose. Until this is settled, GSA cannot make a decision regarding acceptance of the proposal of Carter Presidential Library, Inc. Therefore, to expedite the environmental planning process as it relates to the initial decision-making of GA DOT/FWHA, GSA is cooperating with them to have included in the PPEIS a fuller discussion of the Library project than was originally developed. Based on the outcome and subsequent GA DOT/FHWA decisions, GSA will then determine what, if any additional GSA assessment may be required.

Question 2. The Presidential Library Act mandates the report to be submitted by the Administrator to the Congress shall include "a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost." Would you provide for the record your counsels legal opinion as to whether "access routes" to a library in general, and the Presidential Parkway access route to the Carter Library in particular, would fall under the scope of the term, . . . "additional improvements necessary to the satisfactory operation of the depository."?

Answer. This is in response to your request for a legal opinion concerning the requirements for a report to Congress under the Presidential Libraries Act of 1955 (44 U.S.C. 2108) [hereinafter the Act]. You have asked whether "access routes" to a proposed Presidential library in general, and the Presidential Parkway access route to the proposed Carter Presidential Library in particular, should be included in the report to Congress. Based upon a review of the Act, its legislative history, and prior reports submitted to Congress, we have concluded that "access routes" are not required to be included in reports submitted to Congress.

Elements required by the Act to be included in a report submitted to Congress are set forth in 44 U.S.C. 2108, as follows:

The Administrator shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

A description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

A statement of the terms of the proposed agreement, if any;

A general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

A statement of additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

An estimate of the annual cost of the United State of maintaining, operating, and protecting the depository.

Obviously, the only element even remotely suggesting the inclusion of an "access route" in the report to Congress is the requirement to submit "a statement of additional improvements . . . necessary to the satisfactory operation of the depository. . . ." The issue to be resolved about this provision is the scope of the term "improvements".

Generally, the term "improvements" is applied to buildings and fixtures on real property. *Flyge* v. *Flynn* 166 P.2d 539, 63 Nev. 201 (1946). However, in theory, improvements could also include a road or highway. *Atlas Powder Co.* v. *Hanson,* 136 F.2d 444 (8th Cir. 1943). Therefore, if you were to apply this term broadly, you could contend that necessary access routes should be included in the report to Congress. If the term "improvements" is interpreted narrowly, it applies only to improvements to the gift or proposed library facility itself. Obviously, the extent of application is determined by the legislative intent of Congress when enacting the provision in question. We have concluded the narrow application of the term "improvements" is the one intended by Congress for several reasons.

First, restricting the term "improvements" to those buildings and fixtures relating only to the gift or library faculity makes the statute internally consistent, since all of the other elements required for the report to Congress clearly relate to the proposed library facility. The remainder of Section 2108 relates specifically to the land, buildings and equipment offered as a gift for a proposed library. Moreover, use of the term "additional" before "improvements" must relate back to the provision requiring "a description of land, buildings and equipment offered as a gift. . . ." Thus, it is the gift or library facility which defines the scope of "additional improvements."

If Congress had intended for GSA to discuss improvements outside the confines of the library facility, it would have required it more explicitly. Without a greater explanation, the term "improvements" would apply logically only to the land and buildings comprising the gift discussed in other parts of the statute.

Second, the legislative history of the Act and subsequent joint resolutions relating to some of the other Presidential libraries also support a narrow application of the term "improvements." In H.R. Rep. No. 998, 84th Cong., 1st Sess 5 (1955), it states in part:

"The provisions of paragraph (1) of subsection (f) that authorized the Administrator of General Services to accept land, buildings, and equipment, and to take title thereto on behalf of the United States, offered as a gift to the United States to be utilized, and to be maintained, operated, and protected, by the Administrator as a

Presidential archival depository are designed as general legislation that would enable the Administrator to take over and operate as an integral part of our national recordkeeping system any Presidential library when it is offered to the Government as a gift. The immediate occasion for such provisions is to enable the Administrator to accept the land, buildings, and equipment to be donated to the United States Government by the Harry S. Truman Library, Inc., for the purpose of housing, preserving, and making available for use the papers and other historical materials of former President Truman."

It is clear from this quote that the primary emphasis for the report to Congress involves the land, buildings and equipment comprising the proposed gift itself.

Following the passage of the Act, Congress has had the opportunity on several occasions to express its intent with respect to Presidential library reports, two of which Congress approved without specific knowledge of access routes. First, in 1965, Congress approved, by joint resolution, the proposal for the Lyndon Baines Johnson Presidential Archival Depository (LBJ Library). H.J. Res. 632, 79 Stat. 648 (1965). Similarly, in 1966 and later in 1977, Congress passed joint resolutions authorizing the Administrator to accept the John Fitzgerald Kennedy Library (JFK Library). H.J. Res. 424, 91 Stat. 174 (1977); H.J. Res. 1207, 80 Stat. 370 (1966).

The offer for the proposed LBJ Library, submitted by the University of Texas, did not even identify a specific site on the university grounds. *See* S. Rep. No. 651, 89th Cong. 1st sess. 9–10 (1965). Therefore, the necessary access routes were not even known at the time GSA submitted the report to Congress. With respect to the GSA report, the Senate Committee on Government Operations, in recommending the approval of the LBJ Library, stated:

"Having fully complied with the purposes of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397 (f)(1)), enactment of this resolution would indicate the aproval of Congress for the Administrator of General Services to enter into the proposed agreement with the University of Texas for the Lyndon Baines Johnson Library and would authorize him to do so without regard to the provision requiring that such agreement not be entered into until the expiration of 60 calendar days of continuous session of Congress following submission of the report to the Speaker of the House and the President of the Senate."

S. Rep. No. 651, 89th Cong., 1st Sess. 2 (1965).

At the time the report for the JFK Library was submitted to Congress in 1977, a proposed site was selected for the Library on the grounds of the University of Massachusetts on Columbia Point in Boston, Massachusetts. The University of Massachusetts had been authorized to grant easements over other university land for access routes to the Library. However, plans for these access routes had not been finalized before the report was submitted to Congress. Moreover, the Commonwealth of Massachusetts offered $2,000,000 to finance improvements and approaches to the to the JFK Library, subject to certain contingencies including final appropriation by the Legislature. Thus, the plans for access routes to the proposed JFK Library were far from settled at the time the GSA report was report was submitted to Congress. Yet Congress formally approved the report and authorized the Administrator to accept the proposed Library by Joint Resolution. *See* H.J. Res. 424, 91 Stat. 174 (1977).

The GSA reports sent to Congress for the LBJ and JFK Libraries are not unusual in their lack of information about access routes. Congressional approval of these two reports is illustrative of the original intent. It is clear from its past actions that Congress has never intended that access routes are required to be included in the GSA report to Congress.

Finally, it is also important to note an agency's interpretation of a statute, especialy if the subject matter is within the agency's especially if the subject matter is within the agency's specialization. Courts often resort to this type of analysis when faced with a problem of statutory interpretation. *See Udall* v. *Tallman*, 380 U.S. 1, 16 (1965).

GSA has been preparing reports to Congress for proposed Presidential libraries since the Act was passed in 1955. In all, GSA has accepted seven Presidential libraries and prepared nine separate reports including the proposed Carter Library and two for the JFK Library. We have reviewed all of these reports in order to determine how GSA has interpreted the requirement for "Improvements" when submitting its reports to Congress.

In the reports for certain libraries, GSA included some information about access routes to the libraries. However, it is apparent by the form and context of the report that this information was provided by way of background, rather than as an element required by the Act. The packages were generally set up so that the elements

required by the Act were separated in the discussion or by arrangement. Often, additional improvements were complied under a section called "one-time costs." This section invariably included improvements to the proposed library, such as furnishings, landscaping or other installations, for which appropriations from Congress would be needed to complete the library facility. It is clear from these reports that GSA has interpreted the term "improvements" narrowly, as relating solely to improvements to the gift or library facility itself and not to off-site improvements such as "access routes."

Based upon a clear reading of the Act, legislation history, and past administrative practices, we have concluded that the Act does not require access routes to be included in the report to Congress. We do not mean to say that information on access routes cannot be included in the report. A report to Congress may include any information which could be useful to Congress in its review. Certainly information on some access routes has been included in prior reports. We conclude only that the requirement in the Act to include "additional improvements" does not mandate inclusion of "access routes" to a library in general nor the Presidential Parkway access route to the Carter Library in particular.

Question 3. Specifically, what federally funded expenses will be involved with the development or operation and maintenance of tracts B and C?

Answer. Carter Presidential Library, Inc., informs us they have budgeted for the entire cost of the development of tracts B and C out of their privately raised funds. They indicate that they have no plans to use Federal funds for the development of any part of this area. GSA will maintain tract B under the terms reported to Congress with our submission of July 26 (see "Description of Property to be Donated or Made Available for Use"). Tract B is essentially the parking lot for the Carter Library. We estimate was included in the figure for operating and maintenance costs in the report to Congress under the heading "Additional Equipment and other Costs Necessary for Satisfactory Operation of the Carter Library."

GSA Representatives have contacted Emory University and Carter Presidential Library, Inc., concerning the ongoing operating costs and maintenance of tract C. GSA has agreed to work with Emory and Carter Presidential Library, Inc., cooperatively in handling certain maintenance and ongoing oeprations. This will allow common usage of some equipment, such as heating and air conditioning systems (thus providing for economies of scale), and provide for a uniform level for such services as cleaning, security, and maintenance. At this time, the details have not been worked out for calculating the energy assessment or for determining the types of equipment to be used, levels of services to be provided, and methods of payment. When these are determined, GSA will work out a cooperative agreement which should represent a savings to the Government, Emory University, and Carter Presidental Library, Inc., over and above the cost of each providing their own maintenance and paying their operating costs independently. Although the services will be provided from a common source. GSA will not be paying for or subsidizing any of the costs of maintaining or operating tract C.

Question 4. Should the expiration of the sixty day review period required by the Libraries Act influence the outstanding determinations to be made by federal officials required by statutes other than the Presidential Libraries Act?

Answer. The Presidential Libraries Act requires the Administrator to wait a period of 60 calendar days of continuous session after the report is submitted to Congress before accepting or making an agreement for a Presidential Library. The purpose of this waiting period is to allow Congress an opportunity to make known, by legislation, joint resolultion, or otherwise, its views on a proposed library. We view this waiting period only as a necessary step in obtaining the authority to accept the proposal for a Presidential Library. The expiration of this review period without any action by Congress does not affect the determinations to be made under other statutes by GSA or other Government officials. These determinations should be made by GSA and other Government officials in accordance with pertinent statutes and regulations and in the best interests of the Government.

Senator CHILES. Our last panel will be a citizens panel requested to testify. We were requested both by Senator Nunn and Representative Levitas to allow these people to testify. I understand Mr. Jack Boozer, Caution, Inc., will head this panel. Then we have representatives from the Olmsted Parks Society.

Mr. Boozer, would you introduce your other panelists?

TESTIMONY OF JACK BOOZER, PRESIDENT, CAUTION, INC., ACCOMPANIED BY DAVID WALBERT, LEGAL COUNSEL; SALLY HARBAUGH, OLMSTEAD PARKS SOCIETY; AND PHYLLIS SCHWARTZ, DRUID HILL CIVIC ASSOCIATION

Mr. BOOZER. Thank you for the pleasure of being able to testify about this project, Senator Chiles.

There are four of us from the different communities in Atlanta today and we hope without unnecessary redundancy to show the picture in its broad spectrum and at the same time not be too lengthy.

Sally Harbaugh will be representing the Olmstead Parks Society; Phyllis Schwartz will be talking about the cost of this proposal in relation to alternative proposals for this library and our legal counsel, David Walbert will be speaking about some legal questions that this proposal raises.

At the outset, I would like to speak briefly about the library in the context of the overall proposal, the various things that are entailed in this.

May I say at the outset that I am president of Caution. Caution is an umbrella organization of 10 neighborhood groups, all of which are affected by this proposal representing approximately 30,000 people, a fairly accurate cross section of American population, workers, wage laborers, young executives, professionals, lawyers, doctors, a good many teachers in elementary and secondary schools as well as in colleges and universities and a number of persons who keep the house sometimes called housewives who have a great deal of interest in the health and viability of the neighborhoods in which they live and in which their children grow up.

This group was organized in 1982. It was banded together for the preservation of our neighborhoods, our parks and our historic districts.

I would like to call your attention to the map, the one that is there before us now which gives you an idea about this general area. Somewhat east of the center of the city of Atlanta, and extending out beyond this map to Decatur, Ga., Emory University, and Stone Mountain, the configuration is east to west in the land that is in question.

The proposal for the Carter Presidential Library is not as it might appear on the surface, a simple and monolithic proposal.

It is extremely complex, entailing three tracts within the specific proposal, tracts that have been discussed earlier this morning in this place and, further, this 30-acre tract is within a larger tract of 219 acres of land. That land, much of it, was acquired by predominately Federal funds, roughly $14.5 million in a residential area under the powers of eminent domain. The spot on which the library is proposed to be located may well be a spot where there will be a suit by a former owner who was ejected against his desire and that is part of the difficulty of the situation now.

This proposal, this present proposal, was adopted by the Atlanta City Council in July 1982 and it includes the Carter Library as well as a commuter roadway called the Presidential Parkway and provision for building housing in other legs of this 219 acre project.

The library is inextricably connected with the comprehensive proposal for the development of the entire 219 acres. That means that a vote for the library is a vote for the entire plan.

We hope to provide you with more complete data about what is entailed in this proposal than what the GSA has given you.

The first question we might raise is: Where is this plot of land and what is the access to it? Mrs. Schwartz will show you the land entailed in the Carter proposal. She will also point you to roadways marked in purple.

The roadways that are now in place and usable are in purple with one exception, and that is Highland Avenue. All of those follow a general configuration of east-west access. Highland Avenue has been closed since 1981 for the construction of a new bridge over a railroad.

When it was closed, it carried 9,000 vehicles a day. If that is projected into a year, that means 3.3 million vehicles that Highland Avenue alone would carry in a year.

GSA estimates that the library will receive 250,000 visitors a year. If every tourist came one to a car—and that certainly is not likely because a lot of school buses come—but if every tourist came one to a car, the opening of Highland Avenue itself would provide over 10 times as much access than is needed according to the GSA's projection.

Let's move from that chart to another one which I hope visually will clarify some of the ambiguity in the written description of the relationship between these tracts, tracts A, B, and C.

The primary item of the proposal is a Presidential library. This is the general area upon which the library is going to be located. Some of it may actually be located in Madeira Park which has to satisfy the historical preservation requirements.

As a matter of fact, the lake in the Presidential proposal may indeed take the place of part, if not all of Madeira Park. The library proposal is for 70,000 square feet for an archival depository and museum.

It has been mentioned this morning that the proposed cost of running that facility is $1.5 million a year in 1983 dollars, with $670,000 of that for salaries and program, $630,000 for operation and maintenance, and $200,000 for protection.

May I simply mention in that regard, here is the library, the general configuration of the library and the entrance way. There is no difficulty for access to that library. There is in fact, as I will try to show later, easier access to the library now than if the proposed roadway were built. But I will leave that point to amplify in just a minute.

There is no difficulty of access to this area now. Tract B—I must say it isn't clear to us in reading the GSA statement what tract A is and what tract B is. Whether the foot print, for example, is only the land underneath the library or is it the land underneath the library plus an additional amount making 11 acres out of that plot?

The tract B is a parking lot that has been discussed earlier this morning, designed for 350 cars and adjacent immediately to Highland Avenue. This parking lot was not included in the Georgia Department of Transportation draft environmental impact statement nor was the land around the library itself.

Apparently the land around the library itself was also called a roadside park and apparently, at least according to our information, the Georgia Department of Transportation will build that with Federal aid highway funds.

I think GAO said something differently this morning, but it is our understanding that that will entail Federal aid highway funds. It is also clear from what has been said this morning that GSA will maintain that but as we read what they provided you with, they give no estimate of this cost in the GSA materials provided to your committee.

Senator CHILES. I think in the questioning this morning, this came out that it would be approximately $15,000 a year.

Mr. BOOZER. For the parking lot.

Senator CHILES. Yes, for the parking lot and the maintenance of the so-called roadside park.

Mr. BOOZER. What is not clear, Senator Chiles, it seems to me, is again the definition of the parking area in relation to the roadside park. Perhaps that will be clearer. We now have the transparency which shows tract A.

Excuse me, tract A. That's right, the land around or surrounding the library. It is hard to tell whether it is just the footprint or is the footprint plus all that is green on the acetate. But this is the land surrounding the library. This area has flags, fountains, landscaping, walkways, presumably an entry road and from what was said here this morning, I gather, some parking especially for the library itself.

This will also be built as far as we can read the information with Federal aid highway funds. And it is going to be called a roadside park. The GSA will maintain it and police it as far as we can tell but we don't know how much that will cost.

We see no estimate of cost for that included in the estimates of the cost of the library.

In addition to this is tract C which is in yellow, but it includes the area of the lake in blue as well. This is the policy center, a lake, a chapel, and in a recent article it was suggested that this is going to include some bungalows but we know nothing about those.

This is also to be operated as a roadside park. Federal aid highway funds will be used—as far as we can find—to build all of this but it is to be maintained in perpetuity by the Carter Presidential Library, Inc., a nonprofit corporation registered in Georgia for the benefit of a private university, Emory University.

Senator CHILES. Let me say I certainly didn't get that in the testimony this morning or any conversations we have had with the GSA. We will specifically clear that up in questions in writing.

My understanding is tract A or tract C is the conference center and no Federal funds would be involved in that. It will be some cost sharing agreements in regard to the security and/or heating and cooling. One thing I got is tract C would have the use of the parking spaces in the parking area and/or roadside park.

When they had conferences, there would be sufficient parking in Tract C to take care of the day-to-day personnel there but they would be having the use. So what I was bringing out is there is going to be cost sharing in regarded to even the maintenance of the parking facility.

I see nothing that tells me that tract C is to be maintained by the Federal Government. That is something we will clear up.

Mr. BOOZER. I think one might say that the materials we have are not clear on that point.

Senator CHILES. We will specifically pinpoint that in written questions.[1]

Mr. BOOZER. I think that would be important to do. In one of the materials it says that Emory University will build and maintain the Carter Center of Emory University. That is a relatively small part of that 13-acre piece of ground; that is to say, the center itself. It just seems to us that the grounds and maintenance of those are not sufficiently addressed there, but let it rest there as an important consideration.

From other papers that we have gotten from the GSA we know that these buildings plus the library are all operated on a single heating and cooling system and the costs are to be shared.

We also know that there is not a natural barrier between tract A and tract C. There is an arbitrary line drawn zigzag between the library itself and the area of the policy center separating these two buildings.

There is some question about whether Emory would get the restaurant or Emory would get the restrooms, where that arbitrary line went down.

I think the decision was that the library gets the restroom, but Emory, as it were, gets the restaurant. What that means for these two functions, I don't really know. But questions arise in any event about a nonprofit corporation and the continuance of the support by that nonprofit corporation unless there are trust funds in escrow which will provide the money from the other side because if the time came when it was impossible for the funds of the Carter Presidential Library, Inc., or presumably Emory University to continue that, then it seems to me it would fall back to some obligation of the Government to pick it up.

Further, the plan calls for 4 miles of bicycle paths and 4½ miles of jogging trails. Just why it appeared to anybody desirable that people would like to ride bicycles and jog with the fumes from the highways, I don't know. But, nevertheless, that is in the plan. These trails are separated by landscaped medium and lighted throughout.

There are pedestrian overpasses. There are bridges that cross the parkway. They will be stonefaced and have integral sculpture depicting the historic events of the particular Presidency.

So we have to look at one final acetate now.

This is the roadway or the Carter Parkway which splits around this roughly 30-acre parcel and breaks off the access from the roads that are already there and even requires for access from tract B, the parking lot, to tract C, a pedestrian bridge over the roadway.

But the expressway itself is 2.4 miles, lanes of brown sand and brown aggregate asphalt, landscaped earth berms, pedestrian overpasses and, then, there will be the decorations of the bridges, as I have indicated.

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[1] See p. 39, question 3.

This leads us to a question as to who is to pay for these various things. Not the Atlanta City Council. In their resolution passing Mayor Young's plan—that was the first time that the plan took tangible shape—the City Council said: In no event shall any costs of the maintenance of the Presidential Park be borne by the general fund of the city of Atlanta.

Mayor Young suggested in his original proposal in June of 1982 that the Parkway and adjacent linear parks be turned over for maintenance and protection to the National Park Service. But the National Park Service said in June of 1983: "We do not desire to anticipate any involvement of the National Park Service in this project other than providing some technical assistance and advice to the city of Atlanta if the Presidential Parkway becomes a reality."

That is the clincher, it seems to me, if the Presidential Parkway becomes a reality. This is precisely the problem. It is clear that the Georgia Department of Transportation cannot build a roadside park, any of these parks, if there is no road; that is, if there is no road, there is no library.

Therefore, in conclusion of my remarks, anticipating some of the things others will be saying, I would like to recommend that the committee return the proposal to the General Services Administration until the proposal is complete to include the following:

One, a clear title to the land involved; two, completion of environmental impact studies; three, completion of review in relation to historic districts; four, full disclosure of Federal funds involved in the project for purchase, building, maintenance, operation and program; and, five, disclosure of cost sharing and other agreements with other institutions or agencies regarding all matters involving present and future funding by the Federal Government.

Our purpose is to put more information before you so that your committee and the Congress as a whole might make what could be called a better informed judgment about the whole thing.

Senator CHILES. Thank you, Mr. Boozer. I don't know how long our additional statements are going to last. Originally we had talked about some 20 minutes. I am under some time constraints. It will be around 12 o'clock. I don't want to cut anybody short at all. But I do want to express to you my problems.

Ms. HARBAUGH. I am Sally Harbaugh.

Senator Chiles, thank you very much, for allowing me to speak. I am President of the Olmsted Park Society of Atlanta, Inc., and we were formed for the purpose of restoring and preserving historic works of Frederick Olmsted in Atlanta and through our affiliation through the National Association of Olmsted Parks to participate in that effort throughout the country.

As you know, Frederick Olmsted was America's greatest landscape architect. In fact he was the originator of that art in America. His works include Central Park and grounds of our Capitol here. He was influential in the preservation of such national treasures as Niagara Falls and Yosemite National Park.

I am going to try—you have copies of this.

Senator CHILES. Statements in full will be included in the record.

Ms. HARBAUGH. I am going to try to cut it short.

Senator CHILES. Thank you for briefing it.

Ms. HARBAUGH. Could I say one or two things:

The entire Druid Hills neighborhood has been placed on the National Register of Historic Places because it was done by Frederick Olmsted, Sr. The crown jewel of the Druid Hills plan is the Ponce de Leon Parkway which incorporates many of his design ideas. It is one of his last masterpieces.

As you can see, the little parks at the top, it is a linear park with six parks. The road will come in at the fourth park. It would almost destroy the fourth park and would go into the fifth park. I would like to say that I see Olmstead as an artist, one who worked in a different medium. So if you can imagine taking a painting and tearing it in two—tearing part of it. Take "The Night Watch" of Rembrandt, tear part of it out of it, tear it in two, tear part of it at the bottom, then you see what we have got left. It would be very destructive.

This will impact on other historic districts. It will impact on Inman Park which is on the National Register also, it will impact on the Candler Park which is also in the National Register, it will have some impact on the Martin Luther King, Jr., historic district and it will also impact on two areas that we feel could be on the National Register of Historic Places.

One of the ironies of this whole thing, I think, is that building of this library and road will destroy historic Olmsted Park when it is my understanding that Senator Moynihan and Congressman Seiberling are hoping to introduce a bill into Congress this week to identify and commemorate and preserve the historic landscapes of Frederick R. Olmsted. They are also trying to make the decade of the 1985 to 1995 as an Olmsted historic landscape to commemorate his achievements and his influence on American life.

We feel that to take Federal funds which could be better used in other ways to destroy something that is on the National Register is really pretty far fetched.

I will just let my statement stand if that would be all right with you.

Thank you.

Senator CHILES. Thank you, very much.

Ms. Schwartz?

Ms. SCHWARTZ. My name is Phyllis Schwartz and I live in the Druid Hills portion of Atlanta. I am on the executive committee of the Druid Hills Civic Association and a delegate to Caution.

I appreciate this opportunity to come here and I would like to speak about the difficulty we have had in obtaining any information about this project.

On July 1, in 1983, GSA circulated an A-95 statement requesting comment from other agencies.

On July 26, they gave the proposal to Congress which you are discussing this morning, yet when Mrs. Walldorff and I went to the GSA in Atlanta on August 1 to find out about the Carter Library, Senator, we were shown this one piece of paper.

When we asked for copies of it, we were told we couldn't have it. I filed a Freedom of Information Act request on August 12 and the answer given to me on August 22 was that they were getting things ready. They did not supply the documents at that time.

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I filed a Freedom of Information appeal on August 25. Finally, Representative Elliott Levitas intervened in our behalf. So on September 1, 1983, with the freedom of information request and the direct intervention of my Congressman, we were finally able to get this prospectus that you have had since July 26.

Senator CHILES. I want you to know that sometimes I have problems, too. It doesn't always work that well.

Ms. SCHWARTZ. GSA cites the appeal process in every single communication they send to me. It did not honor the 20-day time limit for the August 25 document nor for the one on October 5.

My personal feeling, Senator Chiles, is that the GSA is not going to get around responding to these freedom of information appeals until the 60-day legislative waiting period is over.

From the list of documents supplied on September 5 and on October 12, it appears that the GSA has a lot more knowledge about the Carter complex than it is willing to share. I find that the prospectus that they gave to Congress is deliberately vague and I find it exceedingly frustrating not to be able to get this material.

The reason we are so confused about tract A, B, and C is, I called the GSA regional attorney in Atlanta on November 1 to ask him if he could explain to us in simple English which is A, which is B, and which is C?

He told me he had an idea of what it was but he wasn't going to tell me. I, then, had to write another letter to Congressman Levitas asking him if his staff would find out the definition of tract A, B, and C. I think that to have Congressmen to intercede, to comply with the basic principles of open government, seems absurd.

I elect my Congressman to come here to be concerned with the matters before Congress. He shouldn't have to be trying to get information for his constituents that should be in the public domain.

GSA should also have presented the Congress some discussion of alternatives. We know that there are at least nine documents related to alternative sites. We cannot get them.

Senator CHILES. There is no requirement in the law that requires any submission of alternative sites.

I want to point that out. The law itself is very vague, I think, in regard to Presidential libraries. I am attempting to amend that. I have been trying to do that for about 3 years and hopefully maybe we will get something done on it. But the law itself, while it is very vague, does not require any alternative submissions.

Ms. SCHWARTZ. We have submitted a statement earlier about an alternative. I will skip that discussion so that Mr. Walbert, our attorney, can speak.

Senator CHILES. Thank you. I regret that you have had the problem in obtaining information. I think that is regretable. Maybe we need to put something in our new law providing that there is going to be public access. You raise a very good point.

Mr. WALBERT. Senator, thank you.

In the interest of time, if we could possibly submit some additional printed materials to your staff, we would appreciate that.

Senator CHILES. Our record will be open for a period to do that.

Mr. WALBERT. Thank you, Senator.

Let me make a couple of points while I am here.

One, I think the Senator identified the key issue here in terms of getting an accurate and open cost estimate from GSA. You asked the counselor of GSA to give you a legal opinion on whether or not the various access roads, and so on, were legal appurtenances and, therefore, covered by the Presidential Libraries Act.

I don't know if the counsel for GSA can really do that, because that it is an invensively factual situation.

Let me give you a half a minute of background. The land the roadway is going through was all bought by the Federal Treasury; it is 90 percent taken by the Federal Government, you paid for it, and you have a residual financial interest in this 219 acres. That roadway ironically was stopped when Jimmy Carter was the Governor of the State of Georgia on the grounds that there was no need for it whatsoever.

The State department of transportation has continued to own that land for the last 10 years doing nothing with it. It was unanimously agreed upon by one committee after another, by the State; the park authority created a proposed use for this land.

There is no need for this roadway going to the facility. As a practical matter, one individual decided that there was a need for this. It was Mr. Carter. He has gone on record saying that this raod is an essential ingredient in the overall planning.

Mr. Mooreland, who you may be familiar with, is our State transportation commissioner and is here in Washington quite a bit. He says this is the most cost-ineffective road that will ever be built in the State of Georgia, not even counting the bridges and so on.

My point is this: Without the library, it is indisputed that there would be no road. This has always been presented to the local political figures through the Federal process—as you go through the local government, county government, ARC route, metropolitan planning commissions, and all of that—this has always been presented as one project.

Of the politicians who supported, they said I support this for one reason. I don't like the road. I would never vote for that road because we don't need it. But I want that library and I am voting for it because I have been given an all-or-nothing choice.

This is one thing and the whole thing is one package. For that reason—that is our simple position here. For that reason we think the road must be disclosed; by the GSA's cost disclosure and pursuant to the act, they have to be disclosed to the Senate.

Those costs are overwhelming. We have 219 acres of existing land. You could say we don't have to pay any more money for it because we have already paid for it.

The Federal Government already bought it through the State government. Because of the Federal funding, paid 90 percent for it back in the 1960's. Two hundred nineteen acres of absolutely prime, absolutely prime acreage, probably the most prime acreage to exist in an urban environment anywhere in the United States, in the center of downtown Atlanta.

It has got to be worth conservatively, half a million dollars per acre in value, conservatively speaking, which is $100 million of land value.

Only a small portion of that, of course, is going to the library. But the point again is that the entire project, the road itself, has

been made by the State department of transportation and by the Carter Library proponents, has been made one integral project. Because it is one integral project, that whole 219 acres is going to be consumed by the library which is a little dot, but all that other land will also be taken out of potential reuse for it.

Commission after commission has come forward in Georgia, said, let's do this with it; let's put it in the type of thing like they have in Copenhagen. Let's have the Carter Library there; let's have other kind of cultural facilities, redevelopment, high-tech development.

There is no real opposition to that, I don't think, in the city. The point, though, is that all of this land is going to be consumed for the purpose of this library because of the fact that that road is inextricably being linked to that library.

That is where we say the GSA has not been straight with the Congress. They know as well as we do that this library and this road are one thing. They have not disclosed that and treated this as one legal package with all of the costs being part of the same final library.

That is all it is. Without that library, there would be no road. I think also there is something odd going on here because, under the laws the Congress has passed, the Federal Government under the environmental laws is supposed to make decisions after it studies the environmental impacts and consequences of something.

The whole purpose of that National Environmental Policy Act is to study something to give you a more informed decisionmaking. The GSA has come up with a proposal. It is what they want. They have made an agreement as to here is what we want to do.

Now they are doing the environmental studies. They are supposed to do the environmental studies and look at the alternatives Ms. Schwartz is talking about—see what makes the most sense.

Should we really be taking this 210 acres for a little library because of the fact we have to bring the road?

Does that really make sense? Before the GSA gets in bed with this project, they should have studied, reviewed all of those details under the environmental laws and made the decision. But in fact, they have already made the decision.

Now they are working on a study to justify that decision. That is not the way it is supposed to work. I think, frankly, the Senate needs full disclosure of information with regard to these projects, as does the House, under the Libraries Act.

What I think would be the best system would be for the GSA to only come to you as the last step. You are the ultimate governing authority in the United States. They shouldn't come to you before they do these administrative studies they are supposed to do. They are supposed to do all the studies, costs, impacts, the whole thing.

Why, I ask, should they be coming to you so early on when, by law, they are already mandated to do all of these kinds of studies? It seems to me that they are more or less almost intentionally trying to avoid close public scrutiny because this is the one forum in which there will be some scrutiny because of the Senate's interest in the expenses of these things.

This is the one forum there will be. Ms. Schwartz would be blue in her face by the time she gets information out of the GSA. Only

if this Senate has a chance to look at all the facts will all of the facts ever be really publicly located.

I think, to me, this is so crazy for yourself and the other members of the committee and the Senate and the House to be given this little preliminary 20-page document when the entire thing should be given and must be given ultimately before they can go forward.

Before they have the final decision, they must be given that full kind of review and study. It seems to us, Senator, that what should be done as the GAO recommended today; the whole package should be resubmitted. We certainly support that conclusion.

I think in connection with that it makes no sense for the GSA to submit it again tomorrow or the next day. Let's let them do what they are supposed to do first, study it, and figure out if they should do this.

Maybe the GSA, if they objectively look at it all under the environmental laws, would decide this doesn't make sense. The Senator pointed out this morning the problem with working with the ex-President. with a Federal agency, that obviously is not a regular arms length transaction.

If the GSA allowed the public to participate in this, and gave them the information they are mandated to do that under the law, the process would be very different.

If they opened up the process, did a full-environmental review of the whole project, I think they would come up with a whole different result and a document that they could, then, submit to the Senate, which would allow the Senate to make an informed decision and recommendation rather than being held in the dark.

That is our position, Senator, and we thank you.

Senator CHILES. I thank you all for your appearance.

We will try to keep you informed of what the committee is doing in this regard.

Thank you.

Mr. WALBERT. We will get those additional documents to you.

Thank you, very much.

Senator CHILES. We will recess this hearing unless there would be other hearings that are necessary to the call of the Chair.

[Whereupon, at 12:08 p.m., the committee recessed, to reconvene at the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

General
Services
Administration Washington, DC 20405

[Identical letter sent to
Thomas P. O'Neill, Speaker,
House of Representatives]

JUL 26 1983

Honorable George Bush
President of the Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Presidential Libraries Act of 1955, section 2108 of title 44, United States Code, I am pleased to submit a report on a proposed Presidential archival depository to be known as the Carter Presidential Library. The Carter Presidential Library, Inc., has offered to donate to the Government an equipped structure for use in perpetuity as the Carter Presidential Library. The Library will be located on a site in Atlanta's Great Park area on land made available by the Georgia State Department of Transportation. I attach the following documents for your review:

Tab I

A description of the land, building, and equipment offered as a gift and a description of the land to be made available for use without cost to the Government.

Tab II

A statement, in the form of a letter of intent, of the terms for transfer of the facility to the United States and for use of the surrounding land.

Tab III

A copy of the letter of donation for Presidential papers and a description of intended further donations and the terms of additional donations of historical materials.

Tab IV

A statement of the additional improvements and equipment necessary to the satisfactory operation of the depository, together with an estimate of the cost.

Tab V

An estimate of the annual cost to the United States of maintaining, operating, and protecting the depository and statements on other cost-saving measures, consisting of the following:

A) An estimate of yearly program and building operation costs for the fully operational Presidential archival depository.

B) A statement on cost saving design features of the building.

C) A statement on expected support of Library programs from the Carter Presidential Library, Inc.

In his letter of January 31, 1981, to the Archivist of the United States, President Carter donated papers and other historical materials of his years in public life to the Federal Government for preservation in the State of Georgia. The donated historical materials will form the core of the holdings of the proposed Carter Library. Papers and other historical materials of President Carter's associates and contemporaries, oral memoirs, and related research materials also will be preserved in the Library and made available there for research use and exhibit. These will supplement the record contained in the President's historical materials and aid in the understanding of the Carter administration and recent American politics and government.

President Carter provided in his letter of gift that his papers and related research materials should be preserved in a facility in the State of Georgia, where they would be available conveniently for research use and exhibition in an appropriate setting. The Carter Library will be co-located with the Carter Center of Emory University, which will be housed in an adjacent building constructed and operated by Emory University. The association of the Library with the Center will assure the fullest scholarly use of the Library holdings and will benefit the Library through academic programs without cost to the United States.

Private donations from throughout the nation have been received for construction of the Library building. The State of Georgia has provided an Atlanta site for the structure in the centrally located Great Park. The State of Georgia will ready land for the Library and construct access roads and parking facilities without cost to the United States.

The Carter Presidential Library, Inc., has worked closely with the General Services Administration to assure that the Library building will effectively and economically meet the needs of the staff of the Library

as well as the scholars and other members of the public who will use its facilities. The buildings will meet Federal and Georgia standards for safety, security, barrier free access and energy efficiency. The Carter Presidential Library, Inc., plans to complete and fully equip and furnish the Library building. We anticipate that no additional improvements or equipment will be necessary for the structure except for that equipment typically provided by the Government.

The Carter Presidential Library, Inc., has already completed plans for the building. Groundbreaking for the facility is planned for 1983, with construction to begin immediately thereafter and to be completed before the end of 1985.

The papers and related historical materials that President Carter and others have donated to the United States for the proposed Library already amount to nearly 30,000 cubic feet. They are stored in a temporary National Archives facility in Atlanta. Archivists there have begun processing historical materials in preparation for public access following completion and acceptance by the Government of permanent facilities.

We believe that the Carter Presidential Library will provide an effective and appropriate facility for the preservation and administration of the valuable historical materials of the Carter Presidency. The Library will offer an excellent means of making these materials conveniently available for research use and for exhibit and public education purposes. My staff and I are available to assist you in your review of this matter at any time.

Sincerely,

Enclosure

Description of Property to be Donated or Made Available for Use

The Carter Presidential Library, Inc. and the State of Georgia intend to offer the following property for the establishment of the Carter Presidential Library:

Site

A location for the Carter Library has been chosen two miles from the Center of downtown Atlanta in a thirty-acre portion of a site which is to be developed as a major urban park. The Carter Library site is situated in the neighborhood of the Martin Luther King Historic District, the Inman Park Historic District, the Cabbage Town Historic District, and the Fernbank Science Center. In this location the library will be an integral part of a significant cultural and educational area of Atlanta.

Land

The Carter Presidential Library, Inc., intends to offer as an outright donation, in fee simple, the building site known as the "footprint" of the building, which is shown in the attached site drawing as tract A. A legal description of tract A is also attached.

It is expected that the State of Georgia will offer for use a tract of land of approximately 13 acres for the surrounding grounds and a parking area, shown as tract B in the accompanying site drawing. This tract, which will be maintained by the General Services Administration, will be improved by the State with the necessary landscaping, road work, and construction of parking facilities at no cost to the Federal Government.

The remainder of the library site, approximately 14 acres, shown as tract C on the accompanying site drawing, will be maintained in a manner appropriate to the grounds of a presidential library. Maintenance of tract C will be funded by the Carter Presidential Library, Inc., without cost to the Government.

Building

The Carter Presidential Library, Inc., intends to offer a completed library/ museum building as an outright gift to the United States for operation as the Carter Presidential Library. The proposed 70,000 square foot building is depicted on the accompanying architectural renderings, site plan, floor plans, section, and elevation. Every effort has been made to assure an economical and efficient building of the minimum size necessary for successful operation of the Library.

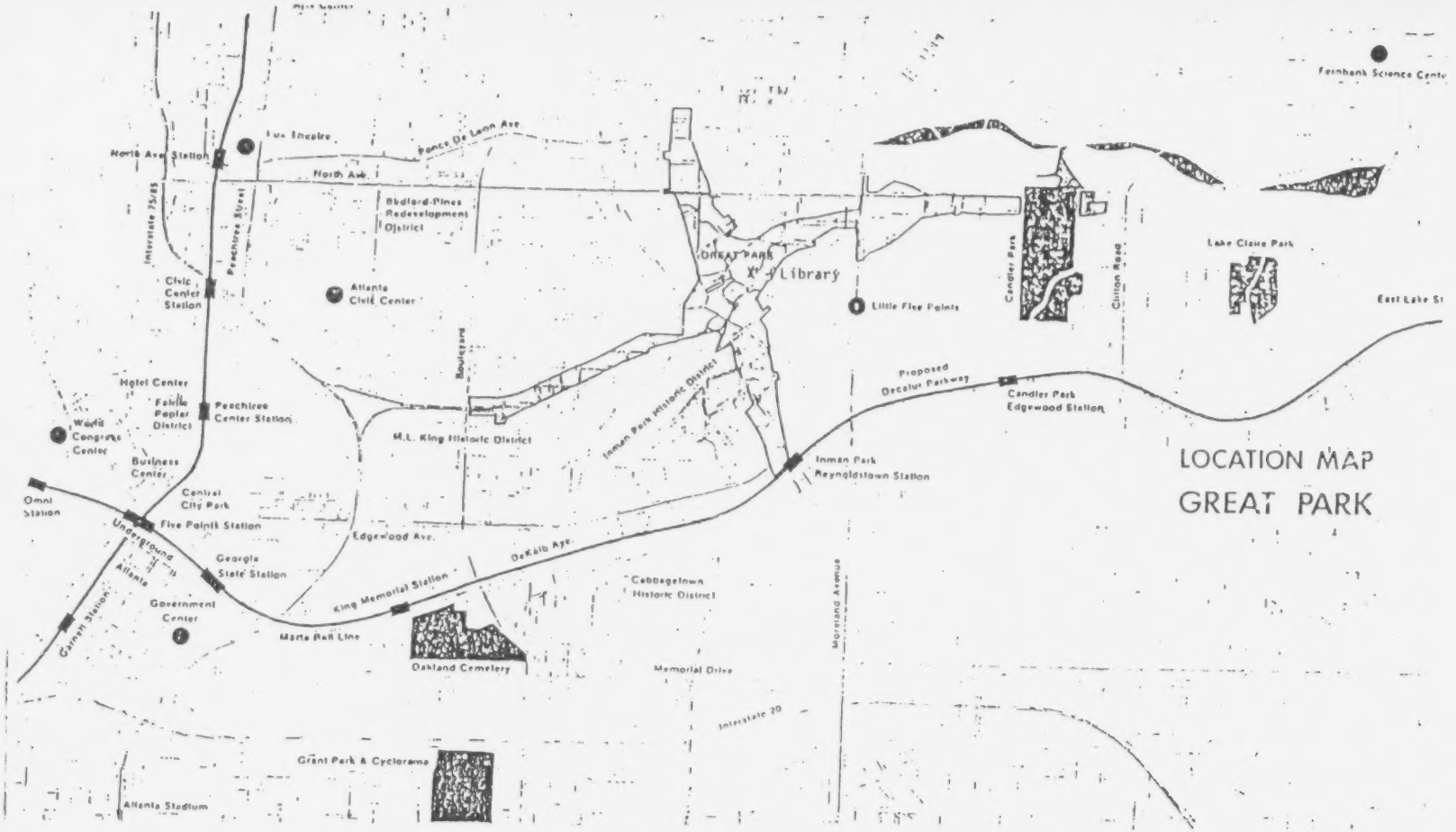
The building intended for donation to the Government as the Carter Presidential Library will be completely furnished and equipped except for those items that are normally purchased and installed by the Government. Donated furnishings and equipment will include the following:

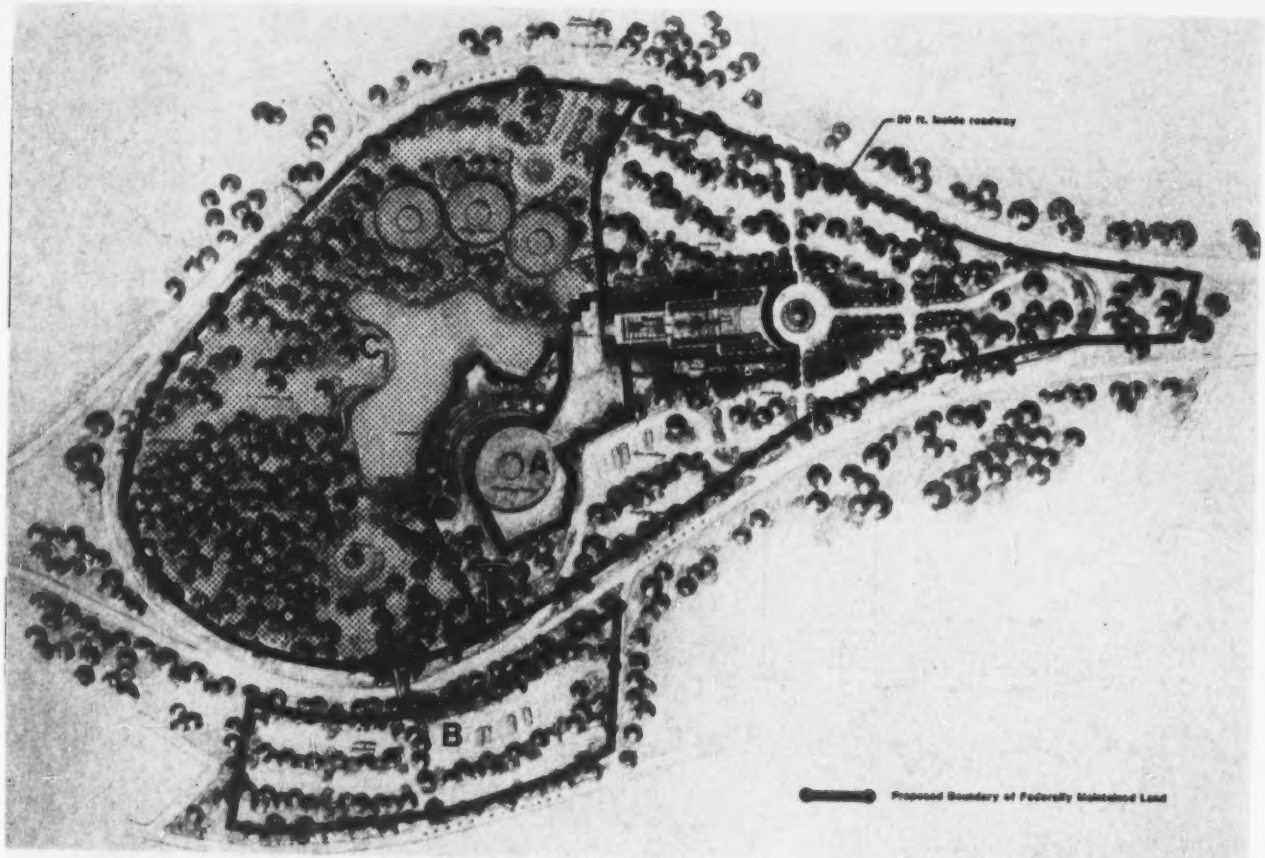
- Office furniture for public areas
- Museum furniture
- Museum display cases
- Projection equipment in theatre and exhibits
- Furniture in research room
- Conference room furniture
- Document storage area shelving
- Museum storage area shelving
- Vault storage area shelving
- Audio-visual roller-drawer storage
- Audio-visual lab equipment (partial)
- Lunch room appliances
- Museum production shop equipment.

The donation will also include completed and installed museum exhibits.

THE CARTER PRESIDENTIAL LIBRARY

Jova Daniels Busby-Lawton Umemura & Yamamoto, Architects


Fernbank Science Cente
Five Theatre
Ponce De Leon Ave
North Ave Station
North Ave
Bedford-Pines Redevelopment District
Interstate 75/85
Peachtree Street
Civic Center Station
Atlanta Civic Center
GREAT PARK
Library
Little Five Points
Candler Park
Clifton Road
Lake Clare Park
East Lake St
Hotel Center
Fabrik Peplar District
Peachtree Center Station
World Congress Center
Business Center
Boulevard
M.L. King Historic District
Inman Park Historic District
Proposed Decatur Parkway
Candler Park Edgewood Station
Inman Park Reynoldstown Station
Omni Station
Central City Park
Five Points Station
Underground Atlanta
Edgewood Ave.
Georgia State Station
DeKalb Ave
King Memorial Station
Cabbagetown Historic District
Gwinett Station
Government Center
Marta Rail Line
Oakland Cemetery
Memorial Drive
Moreland Avenue
Interstate 20
Grant Park & Cyclorama
Atlanta Stadium
LOCATION MAP
GREAT PARK



THE CARTER PRESIDENTIAL LIBRARY

Atlanta, Georgia

60

SECTION AND ELEVATION TOWARDS MUSEUM AND LIBRARY

THE CARTER PRESIDENTIAL LIBRARY — Atlanta, Georgia

Jova/Daniels/Busby-Lawton, Umemura & Yamamoto, Architects
EDAW, Landscape Architect

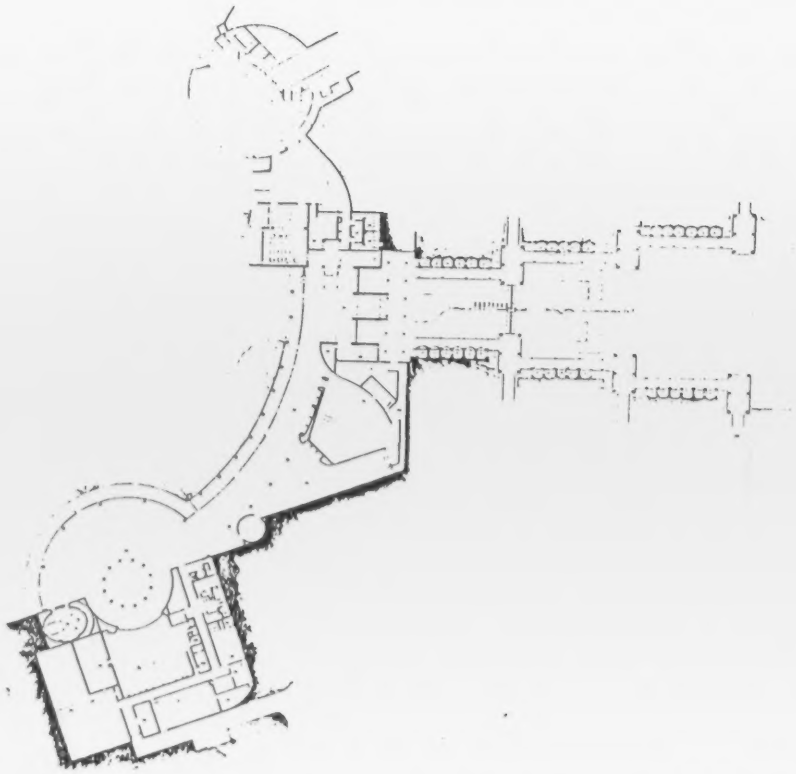
35-521 O - 84 - 5

SECTION THROUGH MUSEUM AND LIBRARY

THE CARTER PRESIDENTIAL LIBRARY

Atlanta, Georgia

Jova/Daniels/Busby-Lawton, Umemura & Yamamoto, Architects
EDAW, Landscape Architect

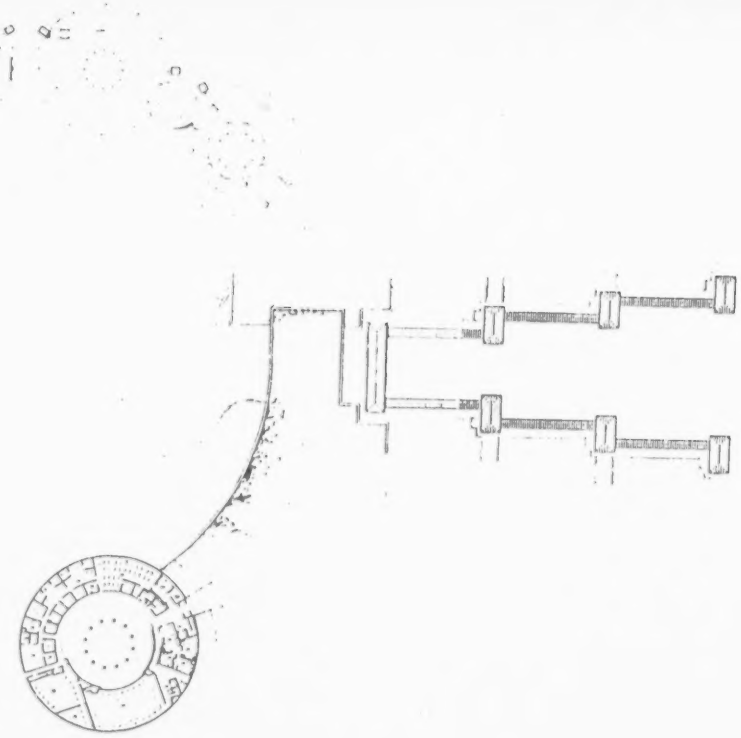


MAIN ENTRY LEVEL

THE CARTER PRESIDENTIAL LIBRARY

Jova/Daniels/Busby-Lawton, Umemura & Yamamoto, Architects
EDAW, Landscape Architect

Atlanta, Georgia



LIBRARY AND CARTER CENTER LEVEL

THE CARTER PRESIDENTIAL LIBRARY

Atlanta, Georgia

Jova/Daniels/Busby-Lawton, Umemura & Yamamoto, Architects
EDAW, Landscape Architect

REAL PROPERTY TO BE ACQUIRED IN FEE SIMPLE

All that tract or parcel of land lying and being in Land Lot 15 of the 14th Land District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the primary axis of the Carter Presidential Library Site, said point being 229.64 feet northeasterly of the radius point of said Presidential Library Site as measured along said primary axis, said radius point having a coordinate value of N 1370170.00 - E 442126.500 on the Georgia State Plane Coordinate System - West Zone; from said point of beginning, running thence N32°22'50" W a distance of 84 feet; thence S32°22'50" E a distance of 43 feet; thence N57°37'10" E a distance of 108 feet; thence N32°22'50" W a distance of 16.0 feet; thence N57°37'10" E a distance of 103.0 feet; thence N32°22'50" W a distance of 16.0 feet; thence N57°37'10" E a distance of 103.0 feet; thence N32°22'50" W a distance of 16.0 feet; thence N57°37'10" E a distance of 18.0 feet; thence S32°22'50" E a distance of 178.0 feet; thence S57°37'10" W a distance of 18.0 feet; thence N32°22'50" W a distance of 16.0 feet; thence S57°37'10" W a distance of 103.0 feet; thence N32°22'50" W a distance of 16.0 feet; thence S57°37'10" W a distance of 103.0 feet; thence N32°22'50" W a distance of 16.0 feet; thence S57°37'10" W a distance of 82.0 feet; thence S32°22'50" E a distance of 105 feet; thence S37°23'58" W a distance of 130 feet; thence S52°36'02" E a distance of 18 feet; thence S37°23'58" W a distance of 44 feet; thence S52°36'02" E a distance of 154 feet; thence S37°23'58" W a distance of 47 feet; thence S52°36'02" E a distance of 11 feet; thence S37°23'58" W a distance of 34 feet; thence N52°36'02" W a distance of 11 feet; thence S37°23'58" W a distance of 107 feet; thence N52°36'02" W a distance of 120.5 feet; thence N37°23'58" E a distance of 8 feet; thence N52°36'02" W a distance of 33.5 feet to a point on a curved line having a radius of 90 feet, said point having a coordinate value of N 1369934.209 - E 442286.728; thence northwesterly, northerly and northeasterly along said latter curved line an arc distance of 226.39 feet to the intersection of a curved line having a radius of 229.64 feet, said intersection being at coordinate value N 1370095.675 - E 442343.779; thence northerly and northwesterly along said latter curved line an arc distance of 205.47 feet back to the point of BEGINNING.

"TRACT A"

JIMMY CARTER

June 20, 1983

To Gerald Carmen

I am writing you on behalf of Carter Presidential Library, Inc. (Carter Library), relative to the operation and maintenance of the proposed Carter Presidential Library, which will be located on real property in Atlanta, Fulton County, Georgia, presently owned by the Georgia Department of Transportation (D.O.T.), and also relative to the utilization and maintenance of adjacent property, to which title will be retained by the Georgia Department of Transportation.

All of the following proposed agreements are, of course, subject to compliance with applicable federal and state laws by all parties concerned.

Hereinafter, I will refer to "The United States of America, by and through the Administrator of General Services", as "GSA".

It is the intention of the Carter Library and the D.O.T. that the Carter Library acquire from the D.O.T. by an exchange of real estate a certain portion of this real property, which is more fully described as "Tract A" on the attached exhibits, said acquisition to be in fee simple. And it is further the intention of the parties that the Carter Library construct, furnish, and equip, at its expense, a presidential library and museum on said "Tract A" and thereafter convey same to GSA in accordance with a separate agreement to be entered into between Carter Library and GSA.

The D.O.T. is proposing to construct a roadside park on the property described as "Tract B" and "Tract C", on the attached exhibit.

With reference to "Tract B", GSA and D.O.T. will enter into an agreement for a term of fifty (50) years, under which GSA will maintain the property of "Tract B" in a manner consistent with, or greater than, the standard requirements for roadside parks by the D.O.T., that same shall be at the expense of GSA, and that D.O.T. will authorize GSA to have the nonexclusive right to use said "Tract B" for the employees and agents of GSA and Carter Presidential Library, as well as their visitors, throughout said term of fifty (50) years. Further, within the limitations of law and regulations, D.O.T. also will authorize GSA, from time to time, to have controlled use of a specified number of parking spaces on the parking lot located within "Tract B".

D.O.T. and Carter Library will enter into a similar agreement relative to "Tract C", whereby Carter Library will assume similar responsibility during the fifty (50) year term. Also, D.O.T. and Carter Library will enter into a similar maintenance agreement relative to "Tract C".

Regarding "Tract B", and subject to the laws of the State of Georgia, D.O.T. will authorize Carter Library to have concurrent police powers with the public authorities having jurisdiction of same.

All of these agreements are subject to Carter Library constructing on "Tract A" and equipping said library and museum at its expense, and conveying same to GSA.

Sincerely,

Jimmy Carter

Mr. Gerald Carmen
Administrator of General Services
Washington, D.C. 20405

cc Bob Lipshutz
Dan Lee

JIMMY CARTER

July 20, 1983

TO: Mr. Gerald P. Carmen
Administrator of General Services
Washington, D. C. 20405

I am writing you on behalf of Carter Presidential Library, Inc. (Carter Library), for the purpose of amending the letter of June 20, 1983, by changing the sixth paragraph of the letter signed by President Carter (who currently is out of the country) to read as follows:

> With reference to "Tract B", GSA and D.O.T. will enter into an agreement for a term which will continue for such period of time as the Carter Presidential Library is operated on the site (Tract A), under which GSA will maintain the property of "Tract B" in a manner consistent with, or greater than, the standard requirements for roadside parks by the D.O.T., that same shall be at the expense of GSA, and that D.O.T. will authorize GSA to have the non-exclusive right to use said "Tract B" for the employees and agents of GSA and Carter Presidential Library, as well as their visitors, throughout said term.

Very truly yours,

CARTER PRESIDENTIAL LIBRARY, INC.

By: Robert J. Lipshutz
Robert J. Lipshutz
Treasurer and Trustee

Paid for by The Carter Presidential Library, Inc.

OFFICE OF
JIMMY CARTER

January 31, 1981

To Robert Warner

I believe that Presidential historical materials form an important and vital part of our nation's heritage and should be permanently preserved and made available for historical research and for appropriate public display. I am committed to assuring public ownership and permanent preservation of historical materials documenting my Presidency. I have long planned to donate my Presidential papers to the Government for eventual deposit in a Presidential archival depository to accomplish this aim.

Plans are underway for construction of a permanent Presidential archival facility to house my historical materials at an appropriate site in the State of Georgia. The building, its land, and equipment will be donated to the United States without charge, and the gift of my materials set forth below is conditioned on agreement by the United States to maintain this donated facility as a Presidential archival depository in the national archival system, pursuant to pertinent provisions of chapter 21 of title 44, United States Code.

Now in furtherance of this plan and subject to the terms hereinafter set forth, I hereby give, donate and convey to the United States of America all my papers, documents, correspondence, notes, books and other publications, photographs, photographic negatives, microfiche, microfilm, motion pictures, recordings, machine readable data tapes, memorabilia and similar historical materials that relate to my candidacy for and election to public office, my service in office, and my other political and public activities.

These include, but are not necessarily limited to, materials currently in my offices and those of my staff in the White House Office or Executive Office of the President, in courtesy storage in the National Archives and Georgia State Archives Buildings, and in the custody of the University of Georgia Computer Center.

Excluded from this offer are my diary and similar daily journal notes and other documents or materials that I or my representatives shall determine to be excluded by reason of private or personal interest on my part or on the part of a member of my family, whether or not such materials have already been delivered to the United States. I and my representatives shall have sole discretion to determine which of my materials were intended to be conveyed. I anticipate that any excluded materials having sufficient historical value to warrant permanent preservation will be donated to the United States in the future. Official records of my service as Governor of Georgia in the custody of the Georgia State Archives which are the property of the State of Georgia also are specifically excluded.

I also hereby give to the United States any copyright that I may have in the unpublished papers and other historical materials deposited in accordance with this instrument, except that I reserve to myself and my heirs all copyright in any works that I have written or may hereafter write for publication and any contractual rights therein. I further reserve the nonexclusive right to make any literary use of the conveyed materials.

Title to the donated materials shall pass to the United States upon acceptance of this letter of offer and its annex by your signature below. The terms and restrictions set forth in this letter and annex shall not be amended without my agreement or, after my death, the agreement of my executor. If the United States does not abide by these terms and restrictions, remedial actions may be sought by me or my executor in a court of competent jurisdiction.

This conveyance does not affect the rights or obligations that I may have as President or former President, or that a President in office may have, to assert and enforce any applicable privilege in respect to confidential portions of the materials conveyed.

No provision of this gift shall preclude additions of related materials from any source, on a temporary or permanent basis. If I in the future give, donate, and convey to the United States additional papers and other historical materials, these materials shall be subject to the terms and restrictions of this letter and the annex to it, except as otherwise specified by me. In addition, I reserve the right to establish a committee of qualified individuals to advise the Archivist concerning the administration of the Presidential archival depository housing any materials.

I am offering my historical materials to the United States for eventual deposit in a Presidential archival depository because I believe that such a plan offers the best means of assuring that the documentary record of my public career will be permanently preserved and made available for research use to enable scholars and others to study and accurately recount and judge the full political history of our time and my participation in it. I further believe that deposit of the materials in a Presidential archival depository offers the best means to assure that the public benefits from these rich historical resources to the greatest extent possible through its museum for visitors and educational programs for all ages. I look forward to working with you to assure the greatest success for this project.

Sincerely,

Jimmy Carter

Dr. Robert M. Warner
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Acceptance of Offer

On behalf of the United States of America, I hereby accept President Carter's offer to donate his papers to the United States, subject to all conditions, terms and restrictions set forth above and in the attached annex.

Robert M. Warner
Archivist of the United States

Date: Feb. 9, 1981

ANNEX

STATEMENT OF CONDITIONS

The following conditions shall govern administration of papers and other historical materials (hereinafter referred to as the Materials) of Jimmy Carter transferred to the United States for deposit in a Presidential archival depository in the State of Gerogia, under terms of the letter of conveyance from President Jimmy Carter to the Archivist of the United States dated

1. Initial deposit.

(a) The materials shall be maintained and administered by the National Archives and Records Service in a facility in the State of Georgia until completion of a Jimmy Carter Presidential archival depository and its acceptance by the United States, at which time the Materials shall be deposited in that Presidential archival depository and administered in accordance with pertinent provisions of chapter 21 of title 44, United States Code.

(b) The Archivist is also authorized to store such of the Materials as may be necessary, or any copies of the Materials, in a depository maintained by the National Archives and Records Service in the Washington, D.C. area. Access to these materials shall be only in accordance with the terms set forth in paragraph 5 below and may be further restricted by me or my representatives.

2. Processing. The Materials shall be processed as soon as possible, except that materials relating to either of my Presidential campaigns shall not be processed or otherwise inspected by the Archivist or his staff until those materials have been examined by me or my representatives. For purposes of this Annex, the term "processed materials" shall refer to those Materials belonging to a coherent segment that in its entirety has been physically readied for research use, has been described by finding aids, and has been reviewed to identify materials subject to any of the restrictions stated in paragraph 4 below.

3. General standards for access to processed materials. "Standards for Access to Research Materials in Archival and Manuscript Repositories" adopted by the Society of American Archivists on December 29, 1973 shall be applicable to all processed materials insofar as practicable, subject, however, to application of exceptions and restrictions upon access that are stated below as contemplated by paragraph 5 and 7 of such standards.

4. Restricted materials.

(a) Except for access by qualified persons employed and engaged in the performance of normal archival work on the Materials and except as otherwise provided below, no materials coming within any of the following categories shall be made available for inspection, copying, or other use, whether or not processed:

(i) Materials relating to my personal, family, and confidential business affairs or to those of other persons in their communications to me.

(ii) Material (a) specifically authorized under criteria established by an Executive order or by statute to be kept secret in the interest of national defense or foreign policy and (b) properly classified pursuant to such Executive order or statute.

(iii) Material relating to appointments to Federal office, including all investigative materials.

(iv) Materials the disclosure of which is prohibited or exempted by statute.

(v) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(vi) Confidential communications requesting or submitting advice between the President and his advisers or between such advisers, whether or not such advisers hold or held an official position with the Federal government, as well as any other confidential communications made by or to the President.

(vii) Personnel and medical files, investigative materials and similar materials the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b) The Archivist shall be responsible for reviewing all Materials and for determining which are to be placed in the categories set forth above. Except as required by statute or Executive order, access to material falling within any of the foregoing categories shall not continue to be restricted beyond January 20, 2001 or beyond one year after my death, whichever is later, except that the Archivist, in consultation with me or my designated representative, shall affirmatively continue thereafter to restrict access if restrictions are necessary to prevent a clearly unwarranted invasion of personal privacy. Particular materials may be made available before the expiration of the period of restriction only with my consent or, after my death, with the consent of my executor.

5. My access and that of former appointees or staff members. I or any designated agent of mine, during my lifetime, shall have the full right of access to all materials, including restricted materials, for purposes of inspection, reading and copying; provided that information that is security-classified pursuant to statute or Executive order shall be available only in accordance with procedures established to govern the availability of such information. This right of access shall include use, where necessary, of automated information retrieval systems.

Also, the same right of access shall be afforded, with my written permission and on such terms as I may set (or in the event of my disability or after my death, by permission of my designated representative, on such term as he may set), to any former Presidential appointee who served in my administration

or former member of my Presidential staff for materials originated or received by that person or by any of his assistants and not otherwise available to that person.

6. Access for current official business of the White House Office. The Archivist shall make available for reading or copying otherwise restricted materials relating to my official duties as President upon my written approval, in each instance, of a written request to me or my designated agent from the Counsel to the President or from such other White House official as the President may designate in writing. The request shall specifically describe materials required and shall state that the information sought is needed for current official business of the White House Office and is not otherwise available. The request further shall guarantee that the restrictions set forth herein will be observed. Access as provided under this paragraph shall be limited to the President, the White House official who initiated the request, and such other responsible and qualified staff members of the White House Office as shall have been named and authorized in the written request to read the materials or to receive a copy thereof and who made in writing the same undertaking made by the White House official who initiated the request.

7. Access for compliance with subpoena or other lawful process. Subject to any rights, defenses, or privileges that I, the Federal Government or any other organization or person may invoke, the Materials, whether or not processed, shall be subject to

subpoena or other lawful process. The Archivist shall develop procedures for providing notice to the Federal Government, to me, and, within practical limits, to any other organization or person who may invoke such rights, defenses, or privileges in particular instances convered by this subparagraph.

8. Security-classified information. All access to the Materials is subject to the requirement that information that is security-classified or protected from divulgence pursuant to statute or Executive order shall be made available and shall be used only in accordance with procedures established by statute or Executive order governing the availability and use of such information.

9. Temporary deposit. The Archivist may enter into agreements for the temporary deposit or loan of the Materials or copies thereof under his custody and control in a depository administered by the National Archives and Records Service or other qualified depository.

10. Loans to me and my family. The Archivist may make temporary loans of objects or memorabilia or extra copies of documents or audiovisual materials under appropriate safeguards to me or, with my permission, to any member of my immediate family.

11. Return of materials. The Archivist shall return to me or any other rightful owner any items he receives that were not intended to be conveyed or could not have been conveyed under existing applicable law.

12. Disposal. The Archivist may dispose in any manner of any of the Materials that he determines lack sufficient administrative, legal, research or historical value to warrant their further preservation, provided that prior to any such disposal he makes reasonable efforts to notify me or my heirs and offer return of the materials.

ADDITIONAL EQUIPMENT AND OTHER COSTS
NECESSARY FOR SATISFACTORY OPERATION OF
THE CARTER LIBRARY

Based on plans for the proposed Carter Library submitted by the architects, no additional improvements to the building are foreseen to make it satisfactorily operational.

In addition to equipment and facilities donated by the Carter Presidential Library, Inc., the following costs will be borne by the General Services Administration to make the proposed Carter Library fully operational. These are one-time only costs and are estimates based on 1983 prices.

Office furniture and equipment, staff working areas	$ 10,000
Telephone system	10,500
Security system	145,000
Microform Readers, Reader-Printers	800
Museum storage equipment	125,000
Moving costs	50,000
Total	$341,300

ESTIMATED COSTS TO OPERATE AND MAINTAIN THE
CARTER PRESIDENTIAL LIBRARY

The Carter Presidential Library in Atlanta, Georgia will provide for the preservation and reference use of the papers and other historical materials of Jimmy Carter and his associates as President of the United States. While the cost of acquiring the land and constructing the building will be borne by private funds, GSA will be responsible for operation of the library program and the operation and maintenance of the building. The estimated yearly cost of operation is as follows:

Program Cost	$ 670,000
Operating and Maintenance Costs	630,000
Protection	200,000
TOTAL	$1,500,000

Estimates of program costs have been developed from experience gained in other Presidential Libraries, anticipated program requirements of the proposed Carter Library, and anticipated savings from the installation of automated systems. Estimates are in 1983 dollars. Personnel cost estimates are made using Step 3 of each pay grade and assume full staffing levels.

Estimated staff costs:

Position	Grade	Number	Salary
Director	GM-15	1	$ 51,800
Assistant Director	GM-14	1	44,000
Supervisory Archivists	GM-13	2	74,500
Supervisory Archivists	GS-12	2	62,700
Archivists	GS-11	3	78,500
Archives Technicians	GS-6	5	79,500
Museum Curator	GS-11	1	26,100
Museum Registrar	GS-11	1	26,100
Administrative Officer	GS-9	1	21,600
Secretary	GS-5	1	14,300
Clerk Typist	GS-4	1	12,800
Museum Craftsman	GS-7	1	17,700
Messenger/Laborer	GS-3	1	11,400
	TOTALS	21	$521,000

The estimated overall program budget of the library is as follows:

Salaries	$521,000
Fringe Benefits	57,500
Travel	7,500
Transportation of Things	2,500
Rental Equipment	6,500
Printing	2,000
Commercial Contracts	25,000
Office Supplies	11,000
Preservation Supplies	35,000
Motor Pool	2,000
TOTAL	$670,000

The Carter Presidential Library, Inc. intends to give additional program support to the Library. In particular, this corporation expects to support outreach, oral history, and exhibit programs. These intentions are outlined in the attached letter from the corporation to the Administrator of General Services.

Estimates of building costs have been developed in consultation with the building architects and the Public Buildings Service. Building design, materials, and methods of construction have been selected with regard to initial cost and the cost of maintenance and operation over the life of the structure. Additional considerations have been the program functions of the library and the dignity that should be accorded the records of the President of the United States. These considerations are detailed in the attached "Statement on Cost Saving Design Features." The estimated annual cost of building maintenance, utilities, and cleaning is $630,000 in 1983 dollars. The annual cost of protection is $200,000.

STATEMENT ON COST SAVING DESIGN FEATURES
THE CARTER LIBRARY AND CENTER FOR POLICY STUDIES

The Carter Library and Center for Policy Studies has been designed to accomplish the functional and programmatic objectives of the project with architectural dignity and distinction. Basic design components, materials and method of construction have been selected with careful regard for both initial cost and long time maintainability and economy.

The process of design evaluation has included building site orientation. The buildings are generally orientated north and south to achieve the best solar disposition. Passive climatic control features include the utilization of extensive earth berming and below ground construction to achieve maximum earth insulation. In so doing, the quantity of finish facade materials has been substantially reduced over that normally required. The building configuration, a series of circular pavilions with broad overhangs, maximizes architectural effect while achieving economies by the reduction of cooling load through the building shading devices created by the broad overhangs that are a design characteristic.

The materials selected have high insulation factors. Substantial additional wall and ceiling insulation and the general use of insulating glass, all selected at optimum values, promise restrained energy utilization.

The general selection of architectural materials throughout the project is aimed at appropriateness, durability and economy. Of the material used, precast concrete is the predominant exterior material, selected because of the variety of colors and textures available, as well as its relatively low cost. The second predominant exterior material is insulated glass.

Considerable emphasis has been given to efficiency of operating costs and maintenance throughout the design of the mechanical and electrical systems. Among the features included are:

1. Utilization of two centrifugal chillers. Multiple chillers will allow one chiller to be turned off during low load conditions and allow the chiller to operate at maximum efficiency. The utilization of multiple centrifugal chillers also allows a redundancy for the critical loads where temperature and humidity control is required at all times.

2. Utilization and selection of high efficiency equipment and motors.

3. Selection of energy efficient central filtration equipment.

4. Utilization of very low leakage outside air dampers.

5. Design and utilization of energy recovery within central refigeration centrifugal by recovering heat rejected from the building and utilize this heat for temperature and humidity spaces.

6. The utilization of multiple cooling towers will provide good partial load efficiency and also provide a redundancy capability for the critical temperature and humidity space.

7. Utilization of multiple system chilled water pumps to improve partial load operating costs.

8. Selection of optimum operating hydronic temperature to achieve optimum operating economies.

9. Utilization of low water consumption plumbing fixtures.

10. Utilization of energy efficient water heater.

11. Utilization of high efficiency parabolic fluorescent lighting fixtures in all offices and support spaces in which the color rendering index (CRI) requirements for the space do not prohibit use of fluorescent lamps.

12. Utilization of long life incandescent lamps in exhibit areas and spaces requiring special lighting treatment.

13. Utilization of 460 volt, 3 phase power distribution system with 277 volt lighting to minimize 12R losses in conductors.

14. Utilization of single point utility service to take advantage of singular meter rates.

15. Utilization of emergency generator for peak shading to minimize electrical demand charges for the facility.

16. Utilization of high power factor and high efficiency motors.

17. Utilization of 3,200 lumen lamps and low wattage lamps for all fluorescent fixtures.

Additionally, in the areas of the Center that are not subject to the strict temperature and humidity criteria that the Museum and Library proper demand, we have been able to utilize other features, including:

1. Utilization of multiple air systems to allow shut-down of systems when areas are not occupied.

2. Utilization of fan powered induction units with 100 percent primary shut-off and electrical heating elements zoned by exposure for the building perimeter.

3. Utilization of VAV terminal units with 100 percent shut-off and no heat for the interior spaces where feasible.

4. Utilization of full, 100 percent economizer capability with enthalpy controls on each air system.

Design decisions, modifications and improvements are continuing as the documents are developed. Each decision is based upon a weighted analysis of functional requirements and economy of means.

OFFICE OF
JIMMY CARTER

June 20, 1983

Mr. Gerald P. Carmen
Administrator of General Services
General Services Administration
Washington, D.C. 20406

Dear Mr. Carmen:

In keeping with President Carter's belief in the fullest possible access to the historic materials of his administration, the Carter Presidential Library, Inc. intends to provide continuing support for the programs of the Carter Presidential Library. Public availability of the Carter Presidential materials has been assured by President Carter's donation of his materials and the Library Corporation's construction and donation of the Library building. The Library Corporation intends to continue to cooperate with the United States Government to insure this accessibility above and beyond the federal government's commitment to support the basic functions of the Library.

The Corporation is also establishing, in cooperation with Emory University, a Center for the study of issues affecting the public interest. The programs of the Center will draw on the holdings of the Carter Library, provide for the publication of findings, and enable a broader audience to benefit from the study of the Library's resources. From time to time, the Center intends to fund public symposia and conferences which we hope can be jointly sponsored by the Carter Library. The Center's visiting scholar program will provide necessary financial support for scholars to do their research at the Library.

The Corporation intends to support the Library's outreach programs, particularly those aimed at supplementing the educational experience of thousands of America's young people. Bringing the resources of the Library to these children will give them a broader and more immediate understanding of America's political and historic heritage. These programs will encompass special tours, educational packets for in school use and special film programs and documentary exhibits.

The Corporation intends to fund an oral history program to assure the documenting of historically significant events which might otherwise be lost. These oral histories will supplement and enhance the already rich treasure of historical documents in the Library.

The Corporation intends to support the museum's exhibit program by assisting from time to time in the development and display of special temporary exhibits which may bear on special topics being researched at the Carter Center, or on historically significant events deemed appropriate to publicize through such exhibits.

While all of the Corporation's activities have not been finalized at this time, the above represent an indication of the type of support the Corporation intends to give to the Library.

Sincerely yours,

Carter Presidential Library, Inc

By: Robert J. Lipshutz

Robert J. Lipshutz
Treasurer and Trustee

General
Services
Administration Washington, DC 20405

GA

OCT 31 1983

Honorable George Bush
President of the Senate
Washington, DC 20510

Dear Mr. President:

Our July 26, 1983, letter transmitted to Congress the proposal for the establishment of the Carter Presidential Library.

On page 2 of the letter, we wrote "The State of Georgia will ready land for the Library and construct access roads and parking facilities without cost to the United States." A statement to this effect was also included in the body of the proposal. Recently, we learned that the Georgia Department of Transportation intends to fund some portion of the access road construction with resources available from the Federal Highway Trust Fund.

We hope this clarification will not inconvenience you in your review of the Carter Library proposal.

Sincerely,

Ray Kline
Deputy Administrator

OFFICIAL COMMUNICATION
RECEIVED IN THE OFFICE OF
THE PRESIDENT OF THE SENATE
DATE RECEIVED OCT 3 1983
TIME RECEIVED
DATE DELIVERED

OFFICE OF PRESIDENTIAL LIBRARIES

Allocation of Space in Presidential Libraries

Library	Gross Sq. Footage	Archival & Museum Storage (% of gross sq. ft.)	Reference & Work Space (% of gross sq. ft.)	Staff Office Space (% of gross sq. ft.)	Museum Display Space (% of gross sq. ft.
Hoover	30,000	8,397 (28%)	4,380 (15%)	1,749 (6%)	6,530 (22%)
Roosevelt	51,000	16,576 (33%)	3,823 (8%)	4,136 (8%)	9,739 (19%)
Truman	96,000	8,201 (9%)	11,199 (12%)	8,197 (9%)	14,108 (15%)
Eisenhower	88,000	18,013 (20%)	6,346 (7%)	4,868 (6%)	22,145 (25%)
Kennedy	95,000	13,729 (14%)	9,846 (10%)	4,411 (5%)	15,980 (17%)
Johnson	117,000	37,140 (32%)	12,690 (11%)	3,225 (3%)	22,272 (19%)
Ford	78,000	15,216 (20%)	8,996 (12%)	6,035 (8%)	18,246 (23%)
Carter	70,000	19,818 (28%)	3,430 (5%)	3,380 (5%)	15,269 (22%)

10/83

SPACE ALLOCATION IN PRESIDENTIAL LIBRARIES

LIBRARY	PROGRAM AREAS (Net Usable Square Feet)							SUPPORT & SERVICE AREAS[6] (Unassigned Square Feet)	GROSS SQUARE FEET
	OFFICE[1]	HOLDINGS STORAGE[2]	MUSEUM EXHIBIT AREA	PUBLIC RESEARCH AREAS[3]	WORK AREAS[4]	OTHER PUBLIC AREAS[5]	PROGRAM AREAS--TOTAL		
HOOVER	1,749	8,397	6,530	2,331	2,049	2,924	23,980	6,020	30,000
ROOSEVELT	4,649	16,576	9,739	1,344	2,479	3,358	38,145	12,855	51,000
TRUMAN	8,743	8,201	18,572	2,926	8,273	8,843	55,558	40,442	96,000
EISENHOWER	5,653	18,013	22,145	2,932	3,414	12,865	65,022	22,978	88,000
KENNEDY	4,411	13,729	15,980	4,759	5,087	24,557	68,523	26,477	95,000
JOHNSON	6,975	37,140	22,272	5,000	7,690	14,550	93,627	23,373	117,000
FORD	6,951	15,216	18,246	3,088	5,908	12,000	61,409	16,591	78,000
TOTAL -- ALL LIBRARIES	39,131	117,272	113,484	22,380	34,900	79,097	406,264	148,736	555,000
LIBRARY AVERAGE	5,590	16,753	16,212	3,197	4,986	11,300	58,038	21,248	79,300
CARTER	3,380	19,818	15,269	1,900	2,527	9,682	52,576	17,424	70,000

1/ Staff offices, staff conference room; Presidential office, if any.
2/ Archival materials and museum objects.
3/ Document and audiovisual research rooms.
4/ Document processing and preservation areas; photo lab; exhibit preparation area.
5/ Main lobby, auditorium, meeting rooms.
6/ Corridors, stairways, elevator shafts; lunchroom, restrooms, first-aid station; security guard room; mechanical space.

OFFICE OF PRESIDENTIAL LIBRARIES

FY 1983 Comparative Costs

Library	Program Costs* (Appropriated Funds)	Holdings (Manuscript Pages as of 3/30/83)	Gross Square Footage	Estimated Building Costs	Estimated Protection Costs
Hoover	$ 541,600	6,063,166	30,000	$ 175,000	$ 153,000
Roosevelt	699,500	16,842,455	51,000	431,000	167,800
Truman	662,000	13,330,124	96,000	527,000	236,100
Eisenhower	704,700	19,132,780	88,000	574,000	263,000
Kennedy	996,300	26,719,200	95,000	920,000	232,000
Johnson	931,900	28,687,433	117,000	1,024,000	224,800
Ford	628,800	15,964,114	78,000	642,000	236,000
Carter Library Estimate	670,000	25,899,160	70,000	630,000	200,000
TOTALS	$5,834,800	152,638,432	625,000	$4,923,000	$1,712,700

*Includes reimbursable income from Trust Funds where applicable.

**Usable space for program activities. Excludes service areas (i.e., elevators, rest rooms, mechanical space, etc.).

One time costs to GSA
for library buildings

	Kennedy	Johnson	Ford	Carter
Office furniture & equipment	$141,500	---	$ 35,000	$ 10,000
Telephone system	5,000	---	10,000	10,500
Security system	250,000	---	140,000	145,000
Microfilm readers & reader-printers	(inc. in A-V item, below)	(inc. in A-V item, below)	(inc. in A-V item, below)	800
Museum storage equipment	---	---	115,000	125,000
Shelving	30,000	---	---	---
Carpeting	63,500	---	---	---
AV & other archival equipment	45,000	$150,000	84,000	(see microfilm readers, above)
Museum display equip.	---	71,500	---	---
Exhibit installation	---	153,000	---	---
Misc. items (e.g., box labels, exhibit brochure)	---	8,386	---	---
Staff overtime costs to prepare for Lib. opening	---	7,484	---	---
Moving costs	50,000	19,780	40,000	50,000
TOTAL	$585,000	$410,150	$426,000	$341,300

These figures are not constant dollars, but are rather actual dollars expended when each Presidential library was completed (Kennedy, 1979; Johnson, 1971; Ford, 1980). Comparable figures for the older Presidential libraries are not available.

CAUTION, INC.
P.O. BOX 5452
ATLANTA, GEORGIA 30307
(404) 378-7283

October 19, 1983

Honorable Glenn English
Member of Congress
Chairman
Subcommittee on Government Information,
Justice, and Agriculture
U. S. House of Representatives
349-B Rayburn House Office Building
Washington, D. C. 20515

Honorable William V. Roth, Jr.
U. S. Senator
Chairman
Committee on Governmental Affairs
U. S. Senate
SD-340
Washington, D. C. 20510

RE: CARTER PRESIDENTIAL LIBRARY AND HIGHWAY PROJECT

Dear Chairman English and Chairman Roth:

On July 26, 1983, the Deputy Administrator of the General Services Administration transmitted to Congress a report on the proposed Carter Presidential Library and highway project and its acceptance by GSA when constructed. The report is required to stay with Congress for 60 legislative days before GSA may act on the proposal. The federal statute governing Presidential Libraries (44 U.S.C. 2108) does not require nor prohibit action by Congress on such proposals. However, two Presidential Libraries (the Kennedy and the Johnson) were authorized by federal statute.

As president of a coalition of neighborhood organizations encompassing 30,000 residents in the City of Atlanta, DeKalb County and the City of Decatur, I wish to raise several questions and issues regarding the proposed Carter Presidential Library and highway project. All local, state and federal agencies involved have recognized the library and highway construction to be on interlocking project. (See, e.g., Ed Gleiman and John Parisi memo of September 1, 1983, page 2.) These questions and issues are based upon a concern that the Carter Presidential Library, Inc. has not been completely truthful in divulging details of the project to Congress and the public.

I submit to you the following:

1. The transmittal letter to Congress, dated July 26, 1983, from Ray Kline, Deputy Administrator of GSA, states, "The State of Georgia has provided an Atlanta site for the structure (Carter Library, highway and policy center) in the centrally located Great Park."

   This is not true.

   A. No agreement for sale or lease of any property has been executed. (See letter from Rodney R. Tarrer, dated 9/13/83, Exhibit A.)
   B. The execution of any such agreement is extremely contingent because it

CAUTION, INC.
P.O. BOX 5452
ATLANTA, GEORGIA 30307
(404) 378-7283

hinges on compliance with stringent federal laws. The State Transportation Commissioner admits that the proposed project is the least cost-effective project ever undertaken by his department and compliance with federal requirements seems unlikely for that reason, among others.

2. Mr. Kline's letter continues, "The State of Georgia will ready land for the library and construct access roads and parking facilities without cost to the United States."

   Again, this is not true.

   A. The State of Georgia purchased the 219 acres of land comprising the Carter project site in the 1960's for approximately $17 million in federal funds.
   B. The proposed costs of the 2.4-mile Presidential Highway is another $17 million. The actual costs will be considerably more as the plans for remodeling the stub at Boulevard are included in the widening of I-75/85. Nearly all of these funds will be provided by the federal government.
   C. The costs of building the parking facility for 350 cars near the library are not included in the above figures, but will be covered by federal funds.
   D. Additional land will have to be acquired in order to complete the highway portion of the project at additional federal expense. (See map, Exhibit B.)

3. Mr. Kline's letter continues, "Groundbreaking for the facility is planned for 1983."

   There is little likelihood that this plan will be realized.

   A. The final enviromental impact statement on the highway has not been completed. Based upon the draft EIS issued on April 21, 1983, many serious flaws identified in this draft by the U. S. Department of the Interior (See Exhibit C) and the U. S. Department of Transportation (See Exhibit D).
   B. The preliminary case report for historic structures affected by the highway has not been completed in accordance with Section 106 of the National Historic Preservation Act of 1966. (See Exhibit E.)
   C. The highway will terminate in parks designed by the noted landscape architect, Frederick Law Olmsted, designer of New York's Central Park and the U. S. Capitol West Grounds. (See Exhibit F.) Federal law flatly forbids such destruction of parklands where alternatives to a proposed highway exist, as is the case here. (See 23 U.S.C. 1653(f).)
   D. The U. S. Department of the Interior letter (Exhibit C) states that an enviromental impact statement should be required on the whole project, not just its component parts. This has not been done.
   E. The highway will traverse Historic Districts, some of which are included

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P.O. BOX 5452
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(404) 378-7283

in the National Register of Historic Places; others are eligible for inclusion. These are federally protected areas that cannot be encroached on by highways absent compelling justifications which do not exist here.

F. The GSA has not completed its enviromental assessment nor begun an enviromental impact statement. (See Exhibit G.)

4. The City of Atlanta has placed several restrictions on its acceptance of the Carter Library and highway. (See Exhibit H.)

A. Congress must enact a law accepting the Carter Presidential Library.
B. Federal legislation must include funding for the maintenance of all amenities contiguous to the Presidential Parkway.
C. The City of Atlanta will not bear any cost of maintenance of the Presidential Park and Parkway.

These restrictions have not been complied with and without their satisfaction the legality of the project under federal or local law is extremely doubtful.

According to the Presidential Library Act of 1955 (44 U.S.C. 2108, Exhibit I), the GSA is authorized to accept land, buildings and equipment for the purposes of creating a Presidential archival depository. As there is no assurance that the Library will be built, and no land has been acquired by Carter Presidential Library, Inc., all that is being offered is an idea. Federal law is silent on the acceptance of someone's idea.

I urge your committee to return the proposed Carter Presidential Library proposal to GSA for further review because of serious inaccuracies in the proposal before Congress. In addition, I suggest that a full, open discussion of this matter by you committee and by the GSA would be appropriate.

Thank you for your attention to this matter. I am available for further comments and information.

Sincerely,

Jack Boozer

JACK BOOZER
President

enclosures

cc: Members of the House Subcommittee on Government Information, Justice, and Agriculture
Members of the Senate Committee on Governmental Affairs

EXHIBIT A

Department of Transportation
State of Georgia
No. 2 Capitol Square
Atlanta, Georgia 30334-1002

THOMAS D. MORELAND
COMMISSIONER

HAL RIVES
STATE HIGHWAY ENGINEER
DANIEL O. KELLY
TREASURER

September 13, 1983

Mr. Douglas D. Walldorff
2107 East Lake Road
Atlanta, Georgia 30307

Dear Mr. Walldorff:

Your letter to Commissioner Moreland dated September 6, 1983, has been referred to me for answer. You requested copies of any agreements to sale or lease any of the property within Project M-9152 (2) which is the proposed Presidential Parkway. No such agreements have been executed; therefore, I am unable to send you copies. Secondly, you requested a copy of the official document making the Presidential Parkway a part of the official State Highway Program. I am attaching a copy of the document which added the Presidential Parkway to the Construction Work Program of the Department for Preliminary Engineering.

I hope this is the information that you seek. If I can be of further assistance, please advise.

Yours very truly,

Rodney R. Tarrer
State Rights of Way Engineer

RRT/pbb

Attachment

MONTH October 1982

REVISION REQUEST

FOR THE

CONSTRUCTION WORK PROGRAM

IN ACCORDANCE WITH THE BOARD RESOLUTION DATED AUGUST 16, 1973, BOARD APPROVAL IS REQUESTED TO REVISE THE CONSTRUCTION WORK PROGRAM FOR THE PROJECT AND ACTIVITY OUTLINED BELOW:

[x] ADDITION TO THE PROGRAM

[ ] DELETION FROM THE PROGRAM

[ ] SHIFT IN THE PROGRAM [ ] PE [ ] ROW [ ] CONST. FROM FY _____ TO FY _____

[ ] CHANGE IN COST ESTIMATE

[ ] OTHER

GDOT ... OCT 2 ... 1982

PROJECT DATA:

COUNTY	PROJECT NO. P.I. NO.	TYPE WORK	DESCRIPTION
Fulton/ DeKalb	M-9152(2) (720640)	New construction	Presidential Parkway From existing SR 410 at Howell St. eastward on new location to Ponce de Leon East of Fairview Road Length-2.4 mile

ESTIMATED COST ($1,000's)	LOW ROAD	HIGH ROAD	FISCAL YEAR	CONG. DISTRICT	FIELD DISTRICT
PE $1,500	X		1983	4/5	7
ROW					
CONST					

REASON FOR REVISIONS:

To add this project to the Construction Work Program for Preliminary Engineering.

RECOMMENDED: _____
DIRECTOR OF PLANNING AND PROGRAMMING

RECOMMENDED: _____
COMMISSIONER

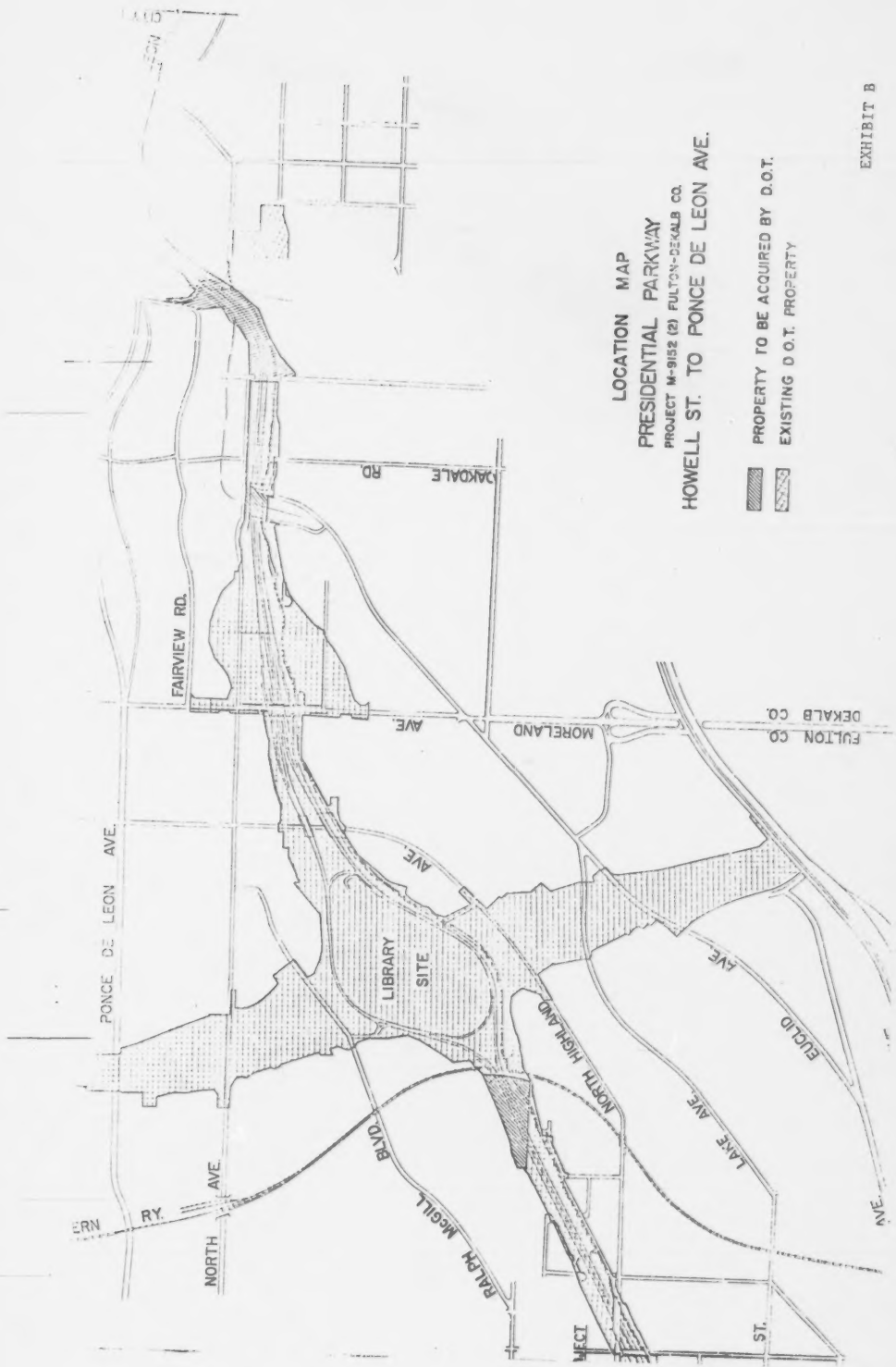
LOCATION MAP
PRESIDENTIAL PARKWAY
PROJECT M-9152 (2) FULTON-DEKALB CO.
HOWELL ST. TO PONCE DE LEON AVE.
PROPERTY TO BE ACQUIRED BY D.O.T.
EXISTING D.O.T. PROPERTY
EXHIBIT B
FAIRVIEW RD.
JACKDALE RD.
MORELAND AVE.
FULTON CO.
DEKALB CO.
PONCE DE LEON AVE.
LIBRARY SITE
NORTH HIGHLAND AVE.
EUCLID AVE.
LAKE AVE.
RALPH McGILL BLVD.
NORTH AVE.
RY.
MEGI
ST.
AVE.

EXHIBIT C

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
ER 83/583

JUL 5 1983

Mr. D. J. Altobelli
Division Administrator
Federal Highway Administration
1422 West Peachtree Street, Suite 700
Atlanta, Georgia 30309

Dear Mr. Altobelli:

This is in response to the request for the Department of the Interior's comments on the draft environmental/Section 4(f) statement for the Presidential Parkway, Atlanta, Fulton and Dekalb Counties, Georgia.

SECTION 4(f)STATEMENT COMMENTS

Section 4(f) Involvements

On page 105, the statement identifies 10 Section 4(f) involvements with historic and recreational areas. In addition to these 10 areas, the applicability of Section 4(f) to several other areas should be evaluated.

The 219 acres of former highway right-of-way, referred to as the "Great Park", have been long recognized as potential public recreation land, and have, in fact, been used for recreational purposes for more than 10 years. In the Old Fourth Ward, the right-of-way appears to be heavily used for recreation, and recreation equipment for a play lot is located at Kendall and Sampson Streets. Given these facts, we strongly urge that the Federal Highway Administration (FHWA) consider the application of Section 4(f) to any area in the "Great Park" that can be identified as receiving de facto recreational use. Such consideration should be documented in the final statement.

On page 49, the statement discusses the status of Section 4(f) with regard to Madeira Park and states that on May 18, 1970, the Federal Highway Administration concurred that Section 4(f) was not applicable to the park. In a memorandum dated June 18, 1973, the Assistant Secretary for Environment, Safety and Consumer Affairs for the Department of Transportation (US-DOT) stated concerning Madeira Park that, "We are advised by legal counsel that Section 4(f) would therefore appear to apply. However, material supporting a 4(f) determination is not included in the EIS as submitted." This matter should be reevaluated, a current opinion obtained from the General Counsel, US-DOT, and further addressed in the final statement. Our recommendation at this time is to treat Madeira Park as a Section 4(f) involvement.

35-521 O - 84 - 8

The historic significance of the Old Fourth Ward and Poncey-Highlands Neighborhoods has not yet been adequately evaluated for potential eligibility for listing on the National Register of Historic Places. If eligible, and if the proposed parkway has an effect on the historic integrity of these two neighborhoods, Section 4(f) would be applicable. Further discussion of this is needed in the final statement.

The statement discusses archeological resources on pages 103 and 104. It is our understanding that the area acquired for the proposed I-485/ Stone Mountain Freeway and now proposed as the site of the Carter Library and Policy Center is an area that could be archeologically significant as the site on which General Sherman camped during his seizure and burning of Atlanta. The final statement should discuss the possible historic significance of this site and the results of the literature and site files search mentioned on page 103. In addition, the final statement should also discuss the significance of any artifacts found in the archeological survey and provide more detailed information on the location and depths of sub-surface testing. Should this site prove to be historically significant, Section 4(f) would be applicable.

Some of the area adjacent to the former right-of-way in the neighborhood of Randolph and Houston Streets may be eligible for the National Register of Historic Places. A survey conducted in the area for the Martin Luther King, Jr., National Historic Site Advisory Commission would be available in the near future. The final statement should evaluate this area for its eligibility, for the effects the proposed parkway may have, and for the application of Section 4(f).

The statement indicates on page 106 that Section 4(f) will not apply to Oak Grove Park since involvement with this area is not required or necessitated by a Federal action. However, page 114 (Table II) indicates that use of Oak Grove is an impact common to all project design alternatives. These statements should be reconciled. 5

Alternatives

It is our understanding that the action before the FHWA is the final disposition of 219 acres of land purchased as right-of-way for the now withdrawn I-485 and Stone Mountain Tollway projects. The draft statement, however, emphasizes the construction of a new roadway ("The Presidential Parkway"). Since diverse options (including non-transportation options) are available for the disposition of this former right-of-way, we consider the emphasis on parkway construction somewhat misplaced. We urge that this be clarified in the final statement, and that all disposition options be thoroughly explored and discussed in the context of currently applicable regulations (for example, 23 CFR 480), and in relation to minimizing harm to Section 4(f) resources.

The draft statement provides a general brief overview of transportation needs in the east/west corridor (page 5). The final statement should also discuss whether the proposed Presidential Parkway will meet regional transportation needs. While the draft does indicate that the proposed parkway will relieve congestion on existing streets, it is not clear how terminating the parkway at Ponce de Leon Avenue, an east-west arterial, will substantially relieve traffic congestion and provide for future needs in the traffic corridor. In this same respect, we note the proposed Decatur Parkway and I-485/Stone Mountain Freeway were new highway projects of considerable distance, while the Presidential Parkway appears to be of little benefit compared to these withdrawn facilities in solving more comprehensive traffic problems because of its dependence on Ponce de Leon Avenue for east-west connection.

The statement discusses specific alternatives to construction of the parkway on pages 24-38; but it is not specific concerning the environmental effects relating to these alternatives. In addition, the statement mentions a number of alternatives in Chapter 1, but does not discuss the environmental effects of these alternatives on Section 4(f) areas. We strongly recommend that more information be provided on the effects of the following alternatives, and that they be further discussed in the context of the first proviso of Section 4(f):

1. No-Build Alternative

The draft statement mentions the no-build alternative on pages 34 and 35, but does not assess the environmental effects of this alternative as it relates to historic and recreation resources. Specifically, the statement should indicate the effects of disposing of existing rights-of-way for non-transportation use on historic and recreation resources for comparison with the effects of the Presidential Parkway on these resources. For example, the statement should discuss the non-transportation options which are available for reuse of the right-of-way and compare the resulting amount and quality of public recreation land to that which would exist with the Presidential Parkway. The statement should particularly indicate the application of 23 CFR 480 to the "Great Park" acreage.

We further recommend that the no-build alternative include a discussion of other transportation improvements that could be made to relieve traffic congestion in lieu of construction of the Presidential Parkway. We specifically recommend that an alternative of improved public transportation, improved signalization on major arterials, one-way pairing of Edgewood/Dekalb Avenues, and reversible lanes on Ponce de Leon Avenue be considered. With regard to public transportation, this alternative should consider the use of express buses to meet transportation needs in addition to the MARTA East Line.

2. The Great Park Plan

"The Great Park Plan, a Master Plan and Development Strategy" is briefly mentioned on page 11. The final statement needs to fully consider the impacts of this plan on Section 4(f) lands, and compare such to those produced by the proposed Presidential Parkway. The final statement should also consider the manner in which this alternative meets transportation needs, both with and without widening the historic portion of Ponce de Leon Avenue.

3. Other Alternatives

We recommend that an additional transportation alternative be evaluated that begins at Boulevard, proceeds east on acquired Department of Transportation right-of-way, and terminates at Moreland Avenue with linkage north to Ponce de Leon Avenue and south to Dekalb Avenue. Transportation improvements recommended in the "no-build" alternative should be included in evaluating the manner in which this alternative would meet regional transportation needs. Should the "Old Fourth Ward" be determined to be eligible for the National Register of Historic Places, we recommend that tunneling or a "cut and cover" concept be evaluated to minimize harm with this alternative.

Measures to Minimize Harm

The second proviso of Section 4(f) requires that all possible planning be considered to minimize harm to Section 4(f) areas. The draft statement has not clearly addressed this provision. The discussion of means to minimize harm, on pages 118 and 119, is not specific. The statement should describe the design details of landscaping and berms that will be utilized as well as the individual elements that are included in the project to minimize harm.

The discussion of planning to minimize harm to the Druid Hills Historic District on pages 118 and 119 is vague. While it is asserted on page 118 that considerable thought and planning have been incorporated into the plan, the final statement should describe the specific elements that are incorporated and which will be implemented as part of the project.

An additional design option that should be considered to minimize impacts on Section 4(f) areas is tunneling under Candler Park and utilizing more of the Lullwater Creek area with a T intersection at Ponce de Leon Avenue. The draft statement does not mention the amount of right-of-way to be purchased through Candler Park (including bicycle paths and hiking trails) or in the Druid Hills Historic District. We recommend that a maximum of 80 feet be considered in this design. If tunneling were used at Candler Park, parkland would be avoided, land might not be required from Jackson Hill Baptist Church, and the Heinz House and Dellwood Park could be avoided.

The final statement should indicate the type of compensation which will be provided for land required from Dellwood Park and from Shady Side Park.

ENVIRONMENTAL STATEMENT COMMENTS

The impacts of the project on fish and wildlife resources should not be significant.

The draft statement provides no information on subsurface materials. In view of the fact that much of the proposed parkway will be depressed and that it is largely to be on a new alignment, it would be advisable to provide a summary of available information on materials to be excavated. We believe the assertions that soils in the project area would not "cause any special concern" (p. 41) should be supported by a brief description of the soils and their engineering properties.

The discussion of transit considerations on page 21 should explain variables which have caused the rise and decline of MARTA use, such as the price and availability of fuel and fare cost. The final statement should clarify factors used in projecting future public mass transit and bus volumes.

On page 23, the final statement should discuss types of accidents and their causes on the historic portion of Ponce de Leon Avenue, as well as provide projections of accident rates on the proposed Presidential Parkway, especially at its intersection with Ponce de Leon Avenue.

The discussion of bicycle routes (pages 60-63) should be expanded to explain the manner in which proposed bicycle routes for the Presidential Parkway relate to the comprehensive bicycle plan for Atlanta. The final statement should also indicate whether existing bicycle routes will be impacted and provisions that will be made for any relocation of these routes.

Tables 8 and 9 on pages 81 and 82 do not indicate that ambient noise levels have been examined for recreation and park areas impacted by the project. Noise readings and projections should be made for these areas.

The draft statement on page 175 inaccurately indicates that the National Park Service (NPS) supported the Mayor's plan; and could be misleading in stating that transfer to NPS of the parkway is feasible. The Department of the Interior, including the NPS, has taken no position either supporting or opposing the plan for the Presidential Parkway, Carter Library and Policy Center, or reuse of Georgia Department of Transportation right-of-way. The feasibility of transferring the parkway to the NPS has not been evaluated at this time, since it is necessary that the Congress of the United States enact legislation relating to any NPS involvement with this project. The NPS advises that it does not desire or anticipate any involvement in this project other than providing technical assistance.

SUMMARY COMMENTS

The Department of the Interior cannot concur at this time that the two provisos of Section 4(f) have been satisfactorily addressed. We will be pleased to expeditiously review any revised Section 4(f) statement which may be prepared in addressing the concerns discussed above.

As this Department has a continuing interest in this project, we will be willing to provide additional technical assistance. The Southeast Regional Director for the National Park Service has this responsibility. His address is 75 Spring Street, SW, Atlanta, Georgia 30303 (FTS 242-5185 or commercial 404-221-5185).

We appreciate the opportunity to provide these comments.

Sincerely,

Bruce Blanchard, Director
Environmental Project Review

Enclosure

cc: Mr. Peter Malphurs
State Environmental Analysis Engineer
Georgia Department of Transportation
No. 2 Capitol Square
Atlanta, Georgia 30334

U.S. Department of Transportation
Office of the Secretary of Transportation

EXHIBIT D

573

Subject: Draft EIS: Presidential Parkway
Atlanta, Georgia
FHWA-EIS-GA-83-01-D

Date: JUL -7 1983

From: Joseph Canny, Deputy Director for Environment and Policy Review, P-32

Reply to Attn. of: C. Mittelholtz, P-37
X-64366

To: Director, Office of Environmental Policy, FHWA/HEV-1

We have reviewed the draft EIS for the Presidential Parkway, a 4-lane parkway located on right of way acquired for the Stone Mountain Freeway and I-485. Generally, the EIS appears to address adequately the impacts of the project, related proposals, and measures to minimize harm. However, several issues need further discussion in the final EIS/section 4(f) statement, especially alternatives which avoid use of Section 4(f) lands.

Alternatives

The proposed project would affect a number of parks and two historic districts at the eastern end of the project. Because of the section 4(f) involvements, the alternative of not building the project needs to be discussed in further detail in the final EIS/section 4(f) statement. For the alternatives discussed, there is not sufficient information to support a determination that there is no feasible or prudent alternative to use of section 4(f) lands. There is no indication that the alternatives would involve costs or community disruption of extraordinary magnitude.

The EIS does not clearly show that there is a need for a new facility instead of improvements to existing facilities in the project area. The EIS should discuss the alternative of improving DeKalb Avenue, in addition to minor improvements to Ponce de Leon Avenue. We recognize that the alternative of connecting the I-75/85 stub to DeKalb Avenue, improving DeKalb and Scott Boulevard is discussed (p. 11); however, since the proposed Presidential Parkway terminates at Clifton Road, a valid comparison between the impacts of the parkway and the DeKalb-Scott alternative cannot be made.

The EIS indicates that the proposed corridor was selected to alleviate congestion on Ponce de Leon Avenue. If the proposed project is constructed, year 2000 traffic on Ponce de Leon east of the project between Clifton Road and Scott Boulevard is projected to be 43,000, compared to 35,000 for the no build alternative. Thus, it appears that the project will aggravate, rather than alleviate, conditions on Ponce de Leon. The EIS should discuss whether additional improvements to Ponce de Leon Avenue will be required by the increased traffic, and if so, it should discuss the impacts of such improvements.

573

2

Design Options

The EIS does not discuss a design option with both roadways located north or south of the proposed Presidential Library site. Such a design might reduce impacts of the parkway on the community and on the library itself. We suggest that this design option be evaluated, and discussed in the final EIS.

Of the design options for the Eastern terminus, it appears that option A-1 would have the least impacts on Shadyside Park and Candler Park. Options A-2 and B-2 would require unnecessary takings from Shadyside Park.

Thank you for the opportunity to review this draft EIS.

EXHIBIT E

U.S. Department
of Transportation

**Federal Highway
Administration**

Georgia Division Office

1422 West Peachtree Street
Suite 700
Atlanta, Georgia 30309

IN REPLY REFER TO:
HA-GA

September 2, 1983

Mrs. Phyllis F. Schwartz
1089 Oakdale Road
Atlanta, Georgia 30307

Dear Mrs. Schwartz:

This is in answer to your letter of August 22, 1983, regarding the preliminary case report (PCR) for the historic resources affected by the proposed Presidential Parkway.

The implementing regulations of the National Historic Preservation Act of 1966 requires that a preliminary case report be provided by this office to the State Historic Preservation Officer and the Advisory Council on Historic Preservation, and that it be made readily available for public inspection. The steps and procedures may be found in Title 36 of the Code of Federal Regulations, Part 800, published in the Federal Register on Tuesday, January 30, 1979. This publication is also available for review at this office, Georgia Department of Transportation and many public libraries.

Information is now being gathered by the Georgia Department of Transportation for preparation of the PCR and when completed, the document will be available for your inspection at the Georgia Department of Transportation and this office.

Sincerely yours,

D. J. Altobelli
Division Administrator

EXHIBIT F

Preservation News, June 1988

Olmsted's last masterpiece threatened

By Gregg Jones

ATLANTA, Ga.—The pink-and-white dogwoods of Shady Side Park have again exploded, erasing the memories of winter with a graceful determination. Amid the color and the chatter of playful children, it's hard to imagine the roar of road graders and bulldozers.

But that vision is feared by preservation-minded residents of Atlanta's tradition-rich Druid Hills neighborhood. If the Georgia Department of Transportation and Atlanta Mayor Andrew Young have their way, a multi-lane road will slice through Shady Side Park, one of a contiguous string of parks that Frederick Law Olmsted designed for the northeast Atlanta neighborhood in the late 1800s.

What may be the state's political brouhaha of the decade is brewing in the state-lit mansions of Druid Hills and the sterile planning rooms of the DOT. When the two forces clashed before, in highway battles of the 1960s and 70s, the preservationists walked away winners. This time, however, Druid Hills residents are fighting an alliance that boasts former President Jimmy Carter with Mayor Young and the powerful state Transportation Department.

At the center of the latest controversy is the proposed Jimmy Carter Presidential Library, which is planned for an overgrown, unused cruciform-shaped spot of land in the heart of Atlanta—a barren monument from an earlier DOT attempt to build a northeast expressway. Library planners, supported by Carter and Young, are pushing the construction of an east-west parkway to provide better access to the so-called Great Park-Carter Library. But the parkway, as proposed first by Mayor Young and most recently the DOT, would slash across the famed Ponce de Leon Parkway and a string of parks, both designed by Olmsted. And long-term plans for the Great Park call for the Carter Library to be linked with an Emory University foreign policy center— requiring a road cutting even deeper into Druid Hills.

The Druid Hills Civic Association, 600 members strong and a veteran of 1960s road fights and earlier zoning frays, has lost the early rounds of this one. But the group is amassing a large "defense fund" to entangle the proposed road in court if necessary. "It would be ridiculous to destroy something you can't replace," explains Jack Bonner, an Emory professor who built a house in Druid Hills in 1952.

Both sides await the start of a series of public hearings beginning this month to discuss the road plan and a federal environmental impact study. Regardless of the content of the environmental impact study—which has been kept under wraps by the DOT—mere talk of altering Olmsted's landscaping masterpiece is a sacrilege in Druid Hills.

Druid Hills was conceived at a time in America's history when city dwellers, in a contemporary version of the "back-to-nature" movement, began to flee inner cities. In 1890, urged by Atlanta streetcar entrepreneur Joel Hurt, Olmsted came to Atlanta to survey on foot and horseback a 1,300-acre tract of forest and farmland northeast of the city. He was impressed by the abundant dogwoods, sparkling brooks and rolling hills. Over the next four years, Olmsted formulated his plans for Druid Hills, but by the time Hurt raised enough money in 1901, Olmsted had retired because of poor health. He died two years later, leaving his sons and successors in the firm to carry on his work.

The subdivision took form after Hurt sold the property in 1908 to a group of Atlanta businessmen that included Coca-Cola magnate Asa G. Candler. Following Olmsted's general plan, Candler's Druid Hills Corp. continued developing the area between 1910 and 1916. The subdivision became a showplace of Olmsted's trademarks: residential areas laid out in park-like settings, wide scenic parkways, smaller roadways following the land's gentle contours and exotic plantings. The neighborhood became home to many Atlanta notables, including the children of the millionaire Candler, who built sprawling mansions throughout Druid Hills.

But in what seemed at the time to be a major departure from Olmsted's original plans, the subdivision developers limited zoning restrictions in the late 1940s. The result was growth of apartment and boarding houses—and a subsequent decline in the splendor and pride of the neighborhood. When Ret. Army Col. A.H. Hogan drove into north Atlanta looking for a place to move his family in 1952, he was told to avoid Druid Hills because "the neighborhood was not what it once was."

Hogan bought a house in Druid Hills anyway, and became involved in the civic association's efforts to have strict zoning laws passed. "Since the 1960s we have fought and fought and fought the DOT," Hogan recalls. "They would have gladly raped Ponce de Leon [parkway] years ago."

Following a vigorous campaign by the Druid Hills Civic Association, about 1,200 acres of the neighborhood were accepted into the National Register of Historic Places in 1979. That move reinforced local feeling that cutting through Shady Side Park "would be like slashing Mona Lisa," says Elizabeth Stevenson, an Emory professor and Olmsted biographer.

"It looks like the DOT is out to get us," says Sally Harbaugh, who has lived in and fought for Druid Hills for 12 years. "I think they have a 1960s mentality, thinking it will help downtown to put in another expressway.

"We feel that they are using the Carter Library as a Trojan horse because they couldn't have gotten the plan past City Council without the support of Andy Young and Carter," she continued. "It's a political road that the DOT has wanted for a long time, and I don't think Druid Hills, a work of art, should be sacrificed to that."

Gregg Jones is a news reporter for the Atlanta Journal and the Atlanta Constitution. He lives along the Ponce de Leon corridor in Atlanta.

Players

Former President Jimmy Carter, who killed highways in the area when he was Georgia's governor, now says he doesn't want to get involved with highway design issues. However, he has implied that he might locate his library elsewhere if road access is not provided.

Mayor Andrew Young, a former Carter appointee, is pushing Great Park highway plan as an effort, he says, to unify neighborhoods around the 219-acre area. He promises bicycling trails, bikeways, cul-de-sacs and elaborate landscaping for the proposed $80-million, four-lane road.

Georgia's Transportation Department has proposed roads for the area since 1946 and now says the road is needed to handle commuter traffic and the expected half-million visitors to the Carter Library each year.

Neighborhood groups oppose the 2.5-mile road, saying it will cut the area in two, adversely affecting a string of four Olmsted-designed parks and surrounding historic districts of Inman Park, Druid Hills and Candler Park, all within the area informally known as Great Park.

Family of Coca-Cola magnate Asa G. Candler built towering mansions throughout Druid Hills, such as this one, now used by Emory Univ

Services Administration · Buildings Service Washington, DC 20405

EXHIBIT G

SEP 28 1983

Honorable Sam Nunn
United States Senate
Washington, DC 20510

Dear Senator Nunn:

This is in reply to your inquiry of September 14, 1983, on behalf of Ms. Phyllis F. Schwartz, concerning her interest in receiving information from the General Services Administration (GSA) on the proposed Carter Presidential Library and Center for Policy Studies Building Complex in Atlanta, Georgia.

Our Atlanta Regional Office is currently preparing an environmental assessment to determine the extent of additional environmental anaylsis that may be required. Upon completion the document will be made public to all interested parties. In the meantime, in response to Ms. Schwartz, GSA has provided the bulk of the information requested. As it took some time to retrieve, its availability was subsequent to her letter to you stating GSA was refusing to make any information available. On August 31 a voluminous packet of material was provided, gratis, in response to her request under the Freedom of Information Act. On September 15 she was provided a list of additional material available at ten cents per page and was advised of her rights to appeal the determination of unaccessibility under the law.

We trust this information will assist you in responding to Ms. Schwartz on her complaint to you that GSA refused to provide information requested by her.

Sincerely,

RICHARD O. HAASE

RICHARD O. HAASE
Commissioner

Enclosure

EXHIBIT H

DEPARTMENT OF CLERK OF COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE TRANSPORTATION COMMITTEE

A RESOLUTION ADOPTING THE PRESIDENTIAL PARK PLAN AS PROPOSED BY MAYOR ANDREW YOUNG, UPON CERTAIN CONDITIONS.

WHEREAS, the land originally purchased as right-of-way for the construction of I-485 and the Stone Mountain Tollway has remained idle since 1971; and

WHEREAS, careful, comprehensive and environmentally sensitive development of this land is in the best interests of the people of Atlanta; and

WHEREAS, for the first time, the Georgia Department of Transportation has given the City of Atlanta the opportunity to create a plan for such development; and

WHEREAS, former President Jimmy Carter has expressed his strong interest in locating his Presidential Library in the abandoned right-of-way; and

WHEREAS, a concept plan for a Presidential Park has been developed by the Mayor which includes: the Presidential Library; open park space and recreational features; Parkway with intensive, environmentally protective and beautifying landscaping; and 700 units of new housing; and

WHEREAS, it is necessary that the Congress of the United States enact legislation accepting the proposed Presidential Library; and

WHEREAS, an environmental monitoring system will be established to ensure that this project is constructed according to the Mayor's plan; and

WHEREAS, the plan, including the Carter Library, the housing, the Parkway, and the recreational facilities represents $110 million in development and over 4,000 construction-related jobs; and

WHEREAS, this development would increase the number of in-town residents; enhance the City's tax base, reduce traffic on neighborhood streets; provide a significant new attraction to the city; and link

more closely such educational institutions as Atlanta University, Georgia Institute of Technology, Georgia State University and Emory University and the Carter Library itself.

NOW, THEREFORE, BE IT RESOLVED that the City of Atlanta support the Presidential Park Plan as presented to the Atlanta City Council by Mayor Andrew Young on June 21, 1982, PROVIDED THAT the following conditions are met:

1. THAT, prior to the letting of contracts on the Presidential Park project, the sources of funding for all amenities not paid for by the Georgia Department of Transportation funds be identified specifically;
2. THAT, prior to the letting of contracts on the Presidential Park project, all environmental protection and enhancement specifications be established with particularity, and that an environmental monitoring group with oversight responsibilities for such environmental specifications be identified and included in every pertinent intergovernmental agreement and construction contract relating to this project;
3. THAT a law be enacted by the Congress of the United States at the appropriate time accepting tender of the Presidential Library; and that the legislation proposed include funding for the maintenance of all amenities contiguous to the Presidential Parkway; and
4. THAT in no event shall any of the cost of maintenance of the Presidential Park and Parkway be borne by the General Fund of the City of Atlanta.
5. THAT the transportation portions of the plan, in those areas where the two roads of the Parkway run side by side, be designated so that the road-bed be reduced by at least twelve feet. (The road-bed is here defined as the distance between the outer edges of the asphalt on either side of the Parkway.)

BE IT FURTHER RESOLVED that Fourth and Fifth District State Transportation Board members William Evans and Brad Hubbert be requested to transmit this Resolution to the State Transportation Board and to request that said Board lend its support to the development, in cooperation with the City of Atlanta, of the Presidential Park Plan as described in the attached description of the Plan.

ADOPTED as amended by Atlanta City Council July 6, 1982
APPROVED July 8, 1982

A true copy,

Jerry C Barden

Deputy Clerk of Council

EXHIBIT I

...or in the report required by subsection (a). Any ...oposed change shall take into account the factors described in paragraph (1) through paragraph (7) of subsection (a), and such proposed change shall be submitted by the Administrator in the same manner as the report required by subsection (a).

"(4) Paragraph (5) is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules (as far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5)(A) Any resolution introduced under paragraph (1) shall be referred to a committee by the Speaker of the House or by the President of the Senate, as the case may be.

"(B) If the committee to which any such resolution is referred has not reported any resolution relating to any regulation or change proposed by the Administrator under this section before the expiration of sixty calendar days after the submission of any such proposed regulation or change, it shall then be in order to move to discharge the committee from further consideration of such resolution.

"(C) Such motion may be made only by a person favoring the resolution, and such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(D) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed.

"(E) When the committee has reported, or has been discharged from further consideration of, a resolution introduced under paragraph (1), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(6) For purposes of this subsection, the term 'legislative days' does not include any calendar day on which both Houses of the Congress are not in session.

"(c) The provisions of this title shall not apply, on and after the date upon which regulations proposed by the Administrator take effect under subsection (b), to any tape recordings or other materials given to Richard M. Nixon, or his heirs, pursuant to subsection (a)(7).

"(d) The provisions of this title shall not in any way affect the rights, limitations or exemptions applicable under the Freedom of Information Act, 5 U.S.C. § 552 et seq.

"JUDICIAL REVIEW

"Sec. 105. (a) The United States District Court for the District of Columbia shall have exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title or of any regulation issued under the authority granted by this title, and any action or proceeding involving the question of title, ownership, custody, possession, or control of any tape recording or material referred to in section 101 or involving payment of any just compensation which may be due in connection therewith. Any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution, and such challenge shall have priority on the docket of such court over other cases.

"(b) If, under the procedures established by subsection (a), a judicial decision is rendered that a particular provision of this title, or a particular regulation issued under the authority granted by this title, is unconstitutional or otherwise invalid, such decision shall not affect in any way the validity or enforcement of any other provision of this title or any regulation issued under the authority granted by this title.

"(c) If a final decision of such court holds that any provision of this title has deprived an individual of private property without just compensation, then there shall be paid out of the general fund of the Treasury of the United States such amount or amounts as may be adjudged just by that Court.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 106. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 2103, 2108, 3102, 3317 of this title.

§ 2108. Presidential archival depository

(a) When the Administrator of General Services considers it to be in the public interest he may accept, for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

The Administrator shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

a statement of the terms of the proposed agreement, if any;

a general description of the types of paper, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an ad-

journment of more than three days to a day certain are excluded.

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 2107 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.

(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Administrator considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Administrator considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g) When the Administrator considers it be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reporductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Administrator determines.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1289; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(f) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

AMENDMENTS

1976—Subsecs. (b), (c). Pub. L. 94-575 substituted reference to section "2107" for "3106" in subsecs. (b) and (c).

JOHN FITZGERALD KENNEDY LIBRARY

Pub. L. 89-547, Aug. 27, 1966, 80 Stat. 370, provided: "That the Administrator of General Services is hereby authorized to accept title to the structure or structures to be erected and equipped at Cambridge, Massachusetts, by the John Fitzgerald Kennedy Library, Incorporated, to be transferred to the United States Government, without reimbursement, for use as a Presidential archival depository to be known as the John Fitzgerald Library, and to maintain, operate, and protect such depository as a part of the National Archives system. The Administrator may enter into such agreements with the officers of the John Fitzgerald Kennedy Library, Incorporated, as are necessary to complete the transfer of title to the United States and may do so without regard to the provision of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

LYNDON BAINES JOHNSON PRESIDENTIAL ARCHIVAL DEPOSITORY

Pub. L. 89-169, Sept. 6, 1965, 79 Stat. 648, provided: "That the Administrator of General Services is hereby authorized to enter into an agreement upon such terms and conditions as he determines proper with the University of Texas to utilize as the Lyndon Baines Johnson Archival Depository, land, buildings, and equipment of such university to be made available by it without transfer of title to the United States, and to maintain, operate and protect such depository as a part of the National Archives system. Such agreement may be entered into without regard to the provisions of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1)) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 3102, 3317 of this title.

§ 2109. Depository for agreements between States

The Administrator of General Services may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take

of the Bureau of the Census and the Archivist of the United States, together with all amendments thereto, now or hereafter entered into between the Director of the Bureau of the Census and the Archivist of the United States. Such amendments, if any, shall be published in the Register.

(As amended Pub. L. 95-416, § 1(b), Oct. 5, 1978, 92 Stat. 915.)

REFERENCES IN TEXT

Section 3 of the National Archives Act, approved June 19, 1934, referred to in subsec. (a), was classified to section 300c of former Title 44, Public Printing and Documents, and was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, § 7(d), 64 Stat. 590.

AMENDMENTS

1978—Pub. L. 95-416 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, added provisions permitting the Administrator to relax, remove, or impose restrictions in the public interest of records of agencies which have been terminated and requiring the Administrator with regard to duration of restrictions to consult with the Archivist and the head of the transferring Federal agency or his successor in function, and substituted "thirty years" for "fifty years" and added subsec. (b).

§ 2107. Material accepted for deposit

When the Administrator of General Services considers it to be in the public interest he may accept for deposit—

[See main edition for text of (1) and (2)]

This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.

(As amended Pub. L. 95-591, § 2(b)(2), Nov. 4, 1978, 92 Stat. 2528.)

AMENDMENTS

1978—Pub. L. 95-591 enacted provision excluding Presidential records which are subject to provisions of chapter 22 of this title from application of this section.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

§ 2108. Presidential archival depository

[See main edition for text of (a) and (b)]

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

[See main edition for text of (d) to (g)]

(As amended Pub. L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-591 limited the application of subsec. (c) when dealing with Presidential records.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591 set out as an Effective Date note under section 2201 of this title.

§ 2111. Reports; correction of violations

REFERENCES IN TEXT

Chapter 27 of this title, referred to in subsecs. (a) and (b), was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

§ 2113. Limitation on liability

When letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

(As amended Pub. L. 94-553, § 105(b), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Pub. L. 94-553 substituted "productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights" for "productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights".

CAUTION, INC.
P.O. BOX 5452
ATLANTA, GEORGIA 30307
(404) 378-7283

January 20, 1984

Honorable William V. Roth Jr.
U.S. Senator
Chairman
Committee on Governmental Affairs
United States Senate
SD-340
Washington, D.C. 20510

Honorable Glenn English
Member of Congress
Chairman
Subcommittee on Governmental Information,
Justice, and Agriculture
U.S. House of Representatives
349-B Rayburn House Office Building
Washington, D.C. 20515

RE: CARTER PRESIDENTIAL LIBRARY AND HIGHWAY PROJECT

Dear Chairman Roth and Chairman English:

I write to thank you again for your courtesy to representatives of CAUTION when we were in Washington on November 9, 1983, to testify at a hearing conducted by Senator Roth and Senator Chiles, and to ask your attention especially to an item which appeared as Exhibit H in my letter to you on October 19, 1983, such item having to do with action by the Atlanta City Council adopting with specific conditions the Carter Presidential Park Plan proposed by Atlanta Mayor Andrew Young.

The Atlanta City Council adopted the Presidential Park Plan presented by Mayor Young as amended on July 6, 1982, and it was approved on July 8, 1982. One of the amendments to the Plan upon which approval was contingent was the following:

> THAT a law be enacted by the Congress of the United States at the appropriate time accepting tender of the Presidential library; and that the legislation proposed includes funding for the maintenance of all amenities contiguous to the Presidential Parkway.

It should be noted that this and other constraints enacted by the Atlanta City Council have been largely ignored by the Georgia Department of Transportation and by the General Services Administration.

The Carter Presidential Library Proposal is, as you know, an extremely complex one for it involves a Policy Center to be maintained and operated by Emory University, a 350 car capacity parking lot, over 10 acres of "Roadside Park" with as yet unspecified cost-sharing arrangements with Emory University and the Georgia Department of Transportation. The Proposal also entails a 90 acre commuter-type Roadway in addition to biking and jogging trails. Altogether, these suggest that this proposal is for much more than an Archival Depository and, hence, should be accepted with carefully considered and worded legislation as was the case of the more complex cases of the Johnson and Kennedy Libraries. Beyond that, however, the proposal does not have the approval of the Atlanta City Council unless there is a positive and explicit legislative act of acceptance which includes provisions for funding the maintenance of all amenities contiguous to the Presidential Parkway.

In view of these facts, we respectfully and urgently request that the General Services Administration be required to present a proposal for legislative action, but only after all of the pertinent Environmental Impact Statements have been carefully assessed and complete and specific statements of costs and cost-sharing arrangements are provided. The Congress and the people are entitled to accurate and complete information in these regards so that it is explicit and clear to all what is actually being enacted into law.

Thank you most kindly for your interest in this matter. It goes without saying that CAUTION would gladly provide representatives to discuss further with you any aspect of the Carter Library Proposal.

Sincerely,

Jack S. Boozer
President

cc: Members of the Senate Committee on Governmental Affairs
Members of the House Subcommittee on Governmental Information, Justice, and Agriculture

Senator Lawton Chiles

DEPARTMENT OF CLERK OF COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE TRANSPORTATION COMMITTEE

A RESOLUTION ADOPTING THE PRESIDENTIAL PARK PLAN AS PROPOSED BY MAYOR ANDREW YOUNG, UPON CERTAIN CONDITIONS.

WHEREAS, the land originally purchased as right-of-way for the construction of I-485 and the Stone Mountain Tollway has remained idle since 1971; and

WHEREAS, careful, comprehensive and environmentally sensitive development of this land is in the best interests of the people of Atlanta; and

WHEREAS, for the first time, the Georgia Department of Transportation has given the City of Atlanta the opportunity to create a plan for such development; and

WHEREAS, former President Jimmy Carter has expressed his strong interest in locating his Presidential Library in the abandoned right-of-way; and

WHEREAS, a concept plan for a Presidential Park has been developed by the Mayor which includes: the Presidential Library; open park space and recreational features; Parkway with intensive, environmentally protective and beautifying landscaping; and 700 units of new housing; and

WHEREAS, it is necessary that the Congress of the United States enact legislation accepting the proposed Presidential Library; and

WHEREAS, an environmental monitoring system will be established to ensure that this project is constructed according to the Mayor's plan; and

WHEREAS, the plan, including the Carter Library, the housing, the Parkway, and the recreational facilities represents $110 million in development and over 4,000 construction-related jobs; and

WHEREAS, this development would increase the number of in-town residents; enhance the City's tax base, reduce traffic on neighborhood streets; provide a significant new attraction to the city; and link

more closely such educational institutions as Atlanta University, Georgia Institute of Technology, Georgia State University and Emory University and the Carter Library itself.

NOW, THEREFORE, BE IT RESOLVED that the City of Atlanta support the Presidential Park Plan as presented to the Atlanta City Council by Mayor Andrew Young on June 21, 1982, PROVIDED THAT the following conditions are met:

1. THAT, prior to the letting of contracts on the Presidential Park project, the sources of funding for all amenities not paid for by the Georgia Department of Transportation funds be identified specifically;
2. THAT, prior to the letting of contracts on the Presidential Park project, all environmental protection and enhancement specifications be established with particularity, and that an environmental monitoring group with oversight responsibilities for such environmental specifications be identified and included in every pertinent intergovernmental agreement and construction contract relating to this project;
3. THAT a law be enacted by the Congress of the United States at the appropriate time accepting tender of the Presidential Library; and that the legislation proposed include funding for the maintenance of all amenities contiguous to the Presidential Parkway; and
4. THAT in no event shall any of the cost of maintenance of the Presidential Park and Parkway be borne by the General Fund of the City of Atlanta.
5. THAT the transportation portions of the plan, in those areas where the two roads of the Parkway run side by side, be designated so that the road-bed be reduced by at least twelve feet. (The road-bed is here defined as the distance between the outer edges of the asphalt on either side of the Parkway.)

BE IT FURTHER RESOLVED that Fourth and Fifth District State Transportation Board members William Evans and Brad Hubbert be requested to transmit this Resolution to the State Transportation Board and to request that said Board lend its support to the development, in cooperation with the City of Atlanta, of the Presidential Park Plan as described in the attached description of the Plan.

ADOPTED as amended by Atlanta City Council July 6, 1982
APPROVED July 8, 1982

A true copy,

Jerry C Beadle

Deputy Clerk of Council

1761 South Ponce de Leon Avenue, NE Atlanta, Georgia 30307

October 12, 1983

Honorable John Glenn
U.S. Senate
Committee on Governmental Affairs
Washington, D.C. 20510

Re: Carter Presidential Library/Expressway Project

Dear Senator Glenn:

The Olmsted Parks Society of Atlanta has become aware that the General Services Administration's proposal to accept donation of the Carter Presidential Library is now pending before the Senate Committee on Governmental Affairs and the House Committee on Governmental Operations, Subcommittee on Government Information, Justice and Agriculture.

The documents submitted by GSA for Congressional review incorrectly imply that construction of the proposed library project will involve no capital expenditures of federal funds other than those incidental to GSA's operation and management activities. The GSA submissions also give the erroneous impression that the plans for the library project are fully approved and in compliance with applicable state and federal laws.

In fact, the library is promoted by its sponsors and advocates, including President Carter, as only a single element of a total redevelopment plan for over 200 acres of land located in the heart of the close-in residential neighborhoods of northeast Atlanta which was purchased with 90% federal funds. Much of the property was acquired by the Georgia Department of Transportation for construction of a proposed interstate highway (I-485) that was abandoned in 1973 as a result of environmental litigation, rejection of the environmental impact statement by U.S. DOT, and opposition by the city government of Atlanta. The remainder of the property was acquired, also primarily with federal aid highway funds, for another proposed expressway (the Stone Mountain Freeway) which was killed by then-Governor Jimmy Carter on the recommendation of a blue ribbon committee because of its destructive environmental impacts on historic parks and neighborhoods, including Frederick Law Olmsted's Druid Hills subdivision and Ponce de Leon parks and parkway plan.

The Carter library plan submitted to Congress by GSA now proposes reuse of a substantial part of the abandoned right-of-way for the presidential library complex. Under that plan, most of the remainder of the property will be used for a multi-million dollar expressway to be known as the Presidential Parkway which would be constructed largely at federal expense. The expressway would parallel and undercut travel demand on the east rapid rail transit line of the Metropolitan Atlanta Rapid Transit Authority which was also constructed in recent years, principally with federal funding.

Even its advocates do not seriously claim that the proposed expressway is needed or justified to serve either existing or future traffic needs or to provide access to the Presidential Library site which is served by numerous existing roads and streets. Rather, it is designed to provide a grandiose entranceway to the library from the east and west and to redirect downtown commuter traffic so that it will be induced to pass in close proximity to the library.

The proposed Presidential Parkway would have virtually the same unacceptably destructive neighborhood and environmental impacts that led to the abandonment of the previously planned highways. The eastern terminus of the Presidential Parkway would bisect Frederick Law Olmsted's Ponce de Leon Parkway, destroying Shady Side Park, totally disrupting the physical and visual unity of Olmsted's chain of linear parks and severely damaging Olmsted's entire plan for the Druid Hills subdivision. Both Druid Hills and the Ponce de Leon parks and parkway are listed on the National Register of Historic Places and are the only example of urban design by Frederick Law Olmsted in the deep south. They are among the best preserved of Olmsted's remaining masterpieces. Indeed, Alistair Cook has called Druid Hills Olmsted's finest work.

In addition to Olmsted's Druid Hills parks and neighborhood, several other parks (one of which is on the National Register) and four other officially designated historic neighborhoods (two on the National Register), including Old Fourth Ward where Martin Luther King, Jr. grew up and which borders the King landmark historic district, also would be bisected by the proposed expressway. One of those parks, which has been removed from public use by the Georgia Department of Transportation in violation of the Federal Parklands Statutes (23 U.S.C. §138, 49 U.S.C. §1653(f)) would be flooded with water to create a reflecting pool for the Carter library. Additionally, the site which has been chosen for the library was the location of Union army headquarters during the Battle of Atlanta and is believed to be an important Civil War archeological site.

The library/expressway plan submitted by the General Services Administration for Congressional approval is predicated on a major federal subsidy for the reuse plan in the

form of a determination by U.S. DOT under 23 U.S.C. §103(e) 5, 6 and 23 C.F.R. §486.107(c) that no repayment of the federal funds expended for purchase of the right-of-way will be required. In addition, Georgia DOT proposes to construct the new Presidential Parkway expressway straddling the library as a Federal Aid Primary route with 80% federal funding.

Although the Secretary of Transportation must review and approve the entire library/expressway reuse plan in order to grant approval under 23 C.F.R. §480.107(c), no environmental impact statement has been prepared either by GSA or U.S. DOT on the plan as a whole and plans for the library have been kept secret by President Carter and GSA until late September, 1983. A draft environmental impact statement prepared on the highway only, which has been circulated by Georgia DOT, ignores most of the worst environmental impacts of the proposed project, dismisses with only a cursory acknowledgment the nationally significant historic works of Frederick Law Olmsted, and completely fails to consider the numerous prudent and feasible alternatives to destroying Olmsted's designs. The position of the Department of Interior concerning this proposal is substantially in agreement with that of the Olmsted Parks Society as is indicated by the attached letter.

The Olmsted Parks Society believes this library/expressway plan is an unnecessarily expensive and destructive waste of federal funds. We do not oppose construction of the Carter Presidential Library, even though the choice of a site in a residential community was probably ill-advised. However, if an expressway is required for access, the library certainly should be located elsewhere.

We urge your committee to remand the GSA proposal for the Carter Library/expressway to the agency with instructions to fully evaluate the cost to the federal government and the environmental impacts of the plan as a whole before resubmitting its proposal for federal acceptance of the library.

We appreciate your consideration of this matter and hope that you will call on us if we can supply further information.

Sincerely,

Sally Harbaugh

Sally Harbaugh
President

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
ER 83/583

JUL 5 1983

Mr. D. J. Altobelli
Division Administrator
Federal Highway Administration
1422 West Peachtree Street, Suite 700
Atlanta, Georgia 30309

Dear Mr. Altobelli:

This is in response to the request for the Department of the Interior's comments on the draft environmental/Section 4(f) statement for the Presidential Parkway, Atlanta, Fulton and Dekalb Counties, Georgia.

SECTION 4(f)STATEMENT COMMENTS

Section 4(f) Involvements

On page 105, the statement identifies 10 Section 4(f) involvements with historic and recreational areas. In addition to these 10 areas, the applicability of Section 4(f) to several other areas should be evaluated.

The 219 acres of former highway right-of-way, referred to as the "Great Park", have been long recognized as potential public recreation land, and have, in fact, been used for recreational purposes for more than 10 years. In the Old Fourth Ward, the right-of-way appears to be heavily used for recreation, and recreation equipment for a play lot is located at Kendall and Sampson Streets. Given these facts, we strongly urge that the Federal Highway Administration (FHWA) consider the application of Section 4(f) to any area in the "Great Park" that can be identified as receiving de facto recreational use. Such consideration should be documented in the final statement.

On page 49, the statement discusses the status of Section 4(f) with regard to Madeira Park and states that on May 18, 1970, the Federal Highway Administration concurred that Section 4(f) was not applicable to the park. In a memorandum dated June 18, 1973, the Assistant Secretary for Environment, Safety and Consumer Affairs for the Department of Transportation (US-DOT) stated concerning Madeira Park that, "We are advised by legal counsel that Section 4(f) would therefore appear to apply. However, material supporting a 4(f) determination is not included in the EIS as submitted." This matter should be reevaluated, a current opinion obtained from the General Counsel, US-DOT, and further addressed in the final statement. Our recommendation at this time is to treat Madeira Park as a Section 4(f) involvement.

The historic significance of the Old Fourth Ward and Poncey-Highlands Neighborhoods has not yet been adequately evaluated for potential eligibility for listing on the National Register of Historic Places. If eligible, and if the proposed parkway has an effect on the historic integrity of these two neighborhoods, Section 4(f) would be applicable. Further discussion of this is needed in the final statement.

The statement discusses archeological resources on pages 103 and 104. It is our understanding that the area acquired for the proposed I-485/ Stone Mountain Freeway and now proposed as the site of the Carter Library and Policy Center is an area that could be archeologically significant as the site on which General Sherman camped during his seizure and burning of Atlanta. The final statement should discuss the possible historic significance of this site and the results of the literature and site files search mentioned on page 103. In addition, the final statement should also discuss the significance of any artifacts found in the archeological survey and provide more detailed information on the location and depths of sub-surface testing. Should this site prove to be historically significant, Section 4(f) would be applicable.

Some of the area adjacent to the former right-of-way in the neighborhood of Randolph and Houston Streets may be eligible for the National Register of Historic Places. A survey conducted in the area for the Martin Luther King, Jr., National Historic Site Advisory Commission would be available in the near future. The final statement should evaluate this area for its eligibility, for the effects the proposed parkway may have, and for the application of Section 4(f).

The statement indicates on page 106 that Section 4(f) will not apply to Oak Grove Park since involvement with this area is not required or necessitated by a Federal action. However, page 114 (Table II) indicates that use of Oak Grove is an impact common to all project design alternatives. These statements should be reconciled.

Alternatives

It is our understanding that the action before the FHWA is the final disposition of 219 acres of land purchased as right-of-way for the now withdrawn I-485 and Stone Mountain Tollway projects. The draft statement, however, emphasizes the construction of a new roadway ("The Presidential Parkway"). Since diverse options (including non-transportation options) are available for the disposition of this former right-of-way, we consider the emphasis on parkway construction somewhat misplaced. We urge that this be clarified in the final statement, and that all disposition options be thoroughly explored and discussed in the context of currently applicable regulations (for example, 23 CFR 480), and in relation to minimizing harm to Section 4(f) resources.

The draft statement provides a general brief overview of transportation needs in the east/west corridor (page 5). The final statement should also discuss whether the proposed Presidential Parkway will meet regional transportation needs. While the draft does indicate that the proposed parkway will relieve congestion on existing streets, it is not clear how terminating the parkway at Ponce de Leon Avenue, an east-west arterial, will substantially relieve traffic congestion and provide for future needs in the traffic corridor. In this same respect, we note the proposed Decatur Parkway and I-485/Stone Mountain Freeway were new highway projects of considerable distance, while the Presidential Parkway appears to be of little benefit compared to these withdrawn facilities in solving more comprehensive traffic problems because of its dependence on Ponce de Leon Avenue for east-west connection.

The statement discusses specific alternatives to construction of the parkway on pages 24-38; but it is not specific concerning the environmental effects relating to these alternatives. In addition, the statement mentions a number of alternatives in Chapter 1, but does not discuss the environmental effects of these alternatives on Section 4(f) areas. We strongly recommend that more information be provided on the effects of the following alternatives, and that they be further discussed in the context of the first proviso of Section 4(f):

1. No-Build Alternative

The draft statement mentions the no-build alternative on pages 34 and 35, but does not assess the environmental effects of this alternative as it relates to historic and recreation resources. Specifically, the statement should indicate the effects of disposing of existing rights-of-way for non-transportation use on historic and recreation resources for comparison with the effects of the Presidential Parkway on these resources. For example, the statement should discuss the non-transportation options which are available for reuse of the right-of-way and compare the resulting amount and quality of public recreation land to that which would exist with the Presidential Parkway. The statement should particularly indicate the application of 23 CFR 480 to the "Great Park" acreage.

We further recommend that the no-build alternative include a discussion of other transportation improvements that could be made to relieve traffic congestion in lieu of construction of the Presidential Parkway. We specifically recommend that an alternative of improved public transportation, improved signalization on major arterials, one-way pairing of Edgewood/Dekalb Avenues, and reversible lanes on Ponce de Leon Avenue be considered. With regard to public transportation, this alternative should consider the use of express buses to meet transportation needs in addition to the MARTA East Line.

2. The Great Park Plan

"The Great Park Plan, a Master Plan and Development Strategy" is briefly mentioned on page 11. The final statement needs to fully consider the impacts of this plan on Section 4(f) lands, and compare such to those produced by the proposed Presidential Parkway. The final statement should also consider the manner in which this alternative meets transportation needs, both with and without widening the historic portion of Ponce de Leon Avenue.

3. Other Alternatives

We recommend that an additional transportation alternative be evaluated that begins at Boulevard, proceeds east on acquired Department of Transportation right-of-way, and terminates at Moreland Avenue with linkage north to Ponce de Leon Avenue and south to Dekalb Avenue. Transportation improvements recommended in the "no-build" alternative should be included in evaluating the manner in which this alternative would meet regional transportation needs. Should the "Old Fourth Ward" be determined to be eligible for the National Register of Historic Places, we recommend that tunneling or a "cut and cover" concept be evaluated to minimize harm with this alternative.

Measures to Minimize Harm

The second proviso of Section 4(f) requires that all possible planning be considered to minimize harm to Section 4(f) areas. The draft statement has not clearly addressed this provision. The discussion of means to minimize harm, on pages 118 and 119, is not specific. The statement should describe the design details of landscaping and berms that will be utilized as well as the individual elements that are included in the project to minimize harm.

The discussion of planning to minimize harm to the Druid Hills Historic District on pages 118 and 119 is vague. While it is asserted on page 118 that considerable thought and planning have been incorporated into the plan, the final statement should describe the specific elements that are incorporated and which will be implemented as part of the project.

An additional design option that should be considered to minimize impacts on Section 4(f) areas is tunneling under Candler Park and utilizing more of the Lullwater Creek area with a T intersection at Ponce de Leon Avenue. The draft statement does not mention the amount of right-of-way to be purchased through Candler Park (including bicycle paths and hiking trails) or in the Druid Hills Historic District. We recommend that a maximum of 80 feet be considered in this design. If tunneling were used at Candler Park, parkland would be avoided, land might not be required from Jackson Hill Baptist Church, and the Heinz House and Dellwood Park could be avoided.

The final statement should indicate the type of compensation which will be provided for land required from Dellwood Park and from Shady Side Park.

ENVIRONMENTAL STATEMENT COMMENTS

The impacts of the project on fish and wildlife resources should not be significant.

The draft statement provides no information on subsurface materials. In view of the fact that much of the proposed parkway will be depressed and that it is largely to be on a new alignment, it would be advisable to provide a summary of available information on materials to be excavated. We believe the assertions that soils in the project area would not "cause any special concern" (p. 41) should be supported by a brief description of the soils and their engineering properties.

The discussion of transit considerations on page 21 should explain variables which have caused the rise and decline of MARTA use, such as the price and availability of fuel and fare cost. The final statement should clarify factors used in projecting future public mass transit and bus volumes.

On page 23, the final statement should discuss types of accidents and their causes on the historic portion of Ponce de Leon Avenue, as well as provide projections of accident rates on the proposed Presidential Parkway, especially at its intersection with Ponce de Leon Avenue.

The discussion of bicycle routes (pages 60-63) should be expanded to explain the manner in which proposed bicycle routes for the Presidential Parkway relate to the comprehensive bicycle plan for Atlanta. The final statement should also indicate whether existing bicycle routes will be impacted and provisions that will be made for any relocation of these routes.

Tables 8 and 9 on pages 81 and 82 do not indicate that ambient noise levels have been examined for recreation and park areas impacted by the project. Noise readings and projections should be made for these areas.

The draft statement on page 175 inaccurately indicates that the National Park Service (NPS) supported the Mayor's plan; and could be misleading in stating that transfer to NPS of the parkway is feasible. The Department of the Interior, including the NPS, has taken no position either supporting or opposing the plan for the Presidential Parkway, Carter Library and Policy Center, or reuse of Georgia Department of Transportation right-of-way. The feasibility of transferring the parkway to the NPS has not been evaluated at this time, since it is necessary that the Congress of the United States enact legislation relating to any NPS involvement with this project. The NPS advises that it does not desire or anticipate any involvement in this project other than providing technical assistance.

SUMMARY COMMENTS

The Department of the Interior cannot concur at this time that the two provisos of Section 4(f) have been satisfactorily addressed. We will be pleased to expeditiously review any revised Section 4(f) statement which may be prepared in addressing the concerns discussed above.

As this Department has a continuing interest in this project, we will be willing to provide additional technical assistance. The Southeast Regional Director for the National Park Service has this responsibility. His address is 75 Spring Street, SW, Atlanta, Georgia 30303 (FTS 242-5185 or commercial 404-221-5185).

We appreciate the opportunity to provide these comments.

Sincerely,

Bruce Blanchard, Director
Environmental Project Review

Enclosure

cc: Mr. Peter Malphurs
State Environmental Analysis Engineer
Georgia Department of Transportation
No. 2 Capitol Square
Atlanta, Georgia 30334